

DOCUMENT RESUME

ED 379 055

PS 021 264

TITLE Speak Out for Children, 1989-1992.
INSTITUTION Children's Rights Council, Inc., Washington, DC.
REPORT NO ISBN-1042-3559
PUB DATE 90
NOTE 236p.
AVAILABLE FROM Children's Rights Council, Inc., 220 I Street, N.E.,
Suite 230, Washington, DC 20002-4362.
PUB TYPE Collected Works - Serials (022)
JOURNAL CIT Speak Out for Children; v5-7 n1-4 Win 1989-Fall
1992

EDRS PRICE MF01/PC10 Plus Postage.
DESCRIPTORS Adolescents; *Child Custody; Children; Child Support;
*Child Welfare; Court Role; *Divorce; *Family
Problems; Fathers; Federal Legislation; Marital
Instability; Mothers; Newsletters; *Parents; State
Legislation
IDENTIFIERS Abductions; *Noncustodial Parents; *Visitation
Rights

ABSTRACT

This document consists of three years (12 issues) of a quarterly newsletter that addresses the healthy development of children of divorced and separated parents. The National Council for Children's Rights (NCCR) (now the CRC, the Children's Rights Council, Inc.) advocates reducing divorce by strengthening families through divorce and custody reform; minimizing hostilities between parents who are involved in marital disputes; substituting conciliation and mediation for the adversarial approach; assuring a child's access to both parents; and providing equitable child support. Each issue typically contains news articles about the activities of the CRC, bills and resolutions in process in the Congress, an overview of relevant court cases, regional reports, letters to the editor, conference information, and, occasionally, reviews. (MDH/AA)

* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *

ED 379 055

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION
CENTER (ERIC)

☐ This document has been reproduced as
received from the person or organization
originating it.

☒ Minor changes have been made to improve
reproduction quality.

• Points of view or opinions stated in this docu-
ment do not necessarily represent official
OERI position or policy.

SPEAK OUT FOR CHILDREN, 1989-1992.

Volumes 5-7

"PERMISSION TO REPRODUCE THIS
MATERIAL HAS BEEN GRANTED BY

David L. Levy

TO THE EDUCATIONAL RESOURCES
INFORMATION CENTER (ERIC)."

PS 021264

BEST COPY AVAILABLE

Strengthening Families

Assisting Children of Separation
and Divorce

The Quarterly Newsletter of The National Council for Children's Rights, Inc.

721 2nd Street N.E., Washington DC 20002 (202) 547-NCCR

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION
CENTER (ERIC)X This document has been reproduced as
received from the person or organization
originating it.Minor changes have been made to improve
reproduction quality.Points of view or opinions stated in this docu-
ment do not necessarily represent official
OERI position or policy.PERMISSION TO REPRODUCE THIS
MATERIAL HAS BEEN GRANTED BYDavid L.
LevyTO THE EDUCATIONAL RESOURCES
INFORMATION CENTER (ERIC)

IN THIS ISSUE:

Support Awards
Declining 3D.C. Guideline
overturned 5"50 Most Wanted"
..... 7

Joint Custody 7

NCCR Conference
Report 8Delinquency and
Single Parents 11Around the Country
..... 14

In the Courts 15

Books 15

Pending Bills 16

U.N. Declaration 17

New Catalog 18

First Time in History**Congress Funds Access Projects****F**or the first time in U.S. history, Congress has provided federal funds for the enforcement of access (visitation).

In a bill passed by Congress on November 17, 1989, funds were provided for access demonstration projects that had been previously authorized by Congress in the Family Support Act of 1988.

Exactly how much will be provided, however, is unclear.

Congress could have funded \$4 million for each of the next two years. During the summer, the Senate, responding to requests by Senator Charles Grassley (R-IA), Dennis DeConcini (D-AZ) and Robert Harkin (D-IA), voted to fund \$3 million for the projects.

But the House of Representatives balked at earmarking specific dollar amounts for access, or for other demonstration projects in various portions of the Family Support Act.

Instead, the House bill provides \$3,250,000 above what the Administration requested for research by the Family Support Administration of the U.S. Department of Health and Human Services (HHS).

The House said it provided this increase to fund new studies and demonstrations "such as the child access demonstration," and two other named projects.

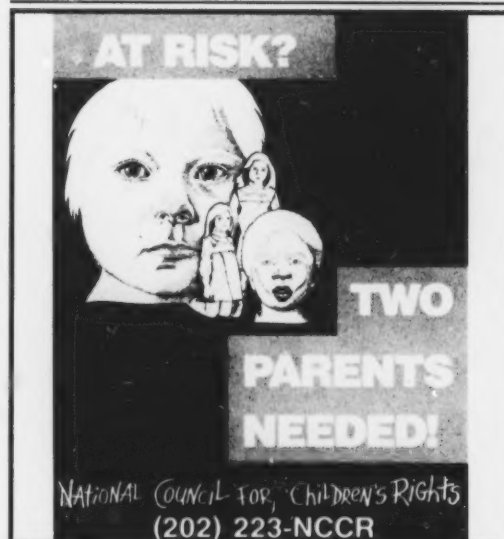
In a conference committee between House and Senate, the House language prevailed.

What this means is that the access projects are not a "line item" (a specific dollar amount for a specific item); instead, the access projects will

have to compete with other studies and demonstration projects in the Department of Health and Human Services (HHS) for the funds.

Compete for Funding

William Natcher (D-KY), chairman of the funding committee in the House, fought for his long-held view that demonstration projects should always have to compete for funds within an agency. This view angered a number of senators who were participating in the conference

See Access page 4

This new poster design is now available through NCCR's first catalog. For details, see page 19.

PS 021264

BEST COPY AVAILABLE

SPEAK OUT FOR CHILDREN is published by the National Council for Children's Rights, Inc.

Editors: David L. Levy, Elliott H. Diamond

Contributors: Kenneth Skilling, John Siegmund, James Rhee.

About NCCR

The National Council for Children's Rights (NCCR) is a non-profit [IRS 501(c)3] organization, based in Washington, D.C. We are concerned with the healthy development of children of divorced and separated parents. For the child's benefit, we seek means of reducing divorce by strengthening families through divorce and custody reform, minimizing hostilities between parents who are involved in marital disputes, substituting con-

Interns: Amy Laubi and John Messinetti, American University Summer in Washington interns for NCCR.

Database Staff: John Prior, Ed Mudrak.

Office Secretary: Veronica Daugherty.

The material in this issue is copyrighted by NCCR 1990. However, all material (other than photographs or illustrations) may be reproduced, if attribution is given as follows: "From 'SPEAK OUT FOR CHILDREN,' published by The National Council for Children's Rights."

ciliation and mediation for the adversarial approach, assuring a child's access to both parents, and providing equitable child support.

NCCR was founded in 1985 by concerned parents who have more than 40 years collective experience in divorce reform and early childhood education.

Prominent professionals in the fields of religion, law, social work, psychology, child care, education, and

government comprise our Advisory Panel.

For further information about membership, publications, cassettes, catalog, and services, write: NCCR, 721 2nd St. N.E., Washington, D.C. 20002, or call (202) 547-NCCR (6227).

SPEAK OUT FOR CHILDREN is published at least four times a year and is sent free to members. Send letters, comments, and articles for publication to Editor, NCCR.

OFFICERS:

David L. Levy, Esq. President
Anna Keller, Vice President
John L. Bauserman, VP/Treasurer
Ellen Dublin Levy, Secretary

GENERAL COUNSEL:

Michael L. Oddenino,
Arcadia, California

DIR. OF INFORMATION SERVICES:

John F. Prior,
Rockville, Maryland

ADVISORY PANEL:

Rabbi Mendel Abrams, D. Min.
former President, Board of Rabbis
of Greater Washington, D.C.

Honorable John Amari
State Senate, Alabama

Daphne Bauer
Divorce Mediator

Sheila Brayman, former President
Mothers Without Custody

Sam Brunelli, Executive Director
American Legislative Exchange Council

The Reverend Eugene S. Callender
Commissioner for the New York State
Office for the Aging

Ellen Canackos, Esq.

Jane Charnas, D.S.W., L.C.S.W., A.C.S.W.,
Associated Mental Health Professionals

Jim Cook, President
The Joint Custody Association

Norman Cousins
UCLA School of Medicine

"Dear Abby"
(Abigail Van Buren)

Honorable Dennis DeConcini
U.S. Senator, Arizona

Karen DeCrow
former President of N.O.W.

Elliott H. Diamond,
Co-Founder, N.C.C.R.

Honorable David Durenberger
U.S. Senate, Minnesota

Meyer Elkin, Co-Founder
Association of Family & Conciliation Courts

Warren Farrell, Ph.D., Author,
former Member of the Board of
Directors New York City N.O.W.

Doris Jones Freed, Esq., Co-Chair
New York State Bar Association Family Law
Section's Custody Committee

Larry Gaughan, Law Professor,
Professional Director, Family Mediation
of Greater Washington, D.C.

Herb Goldberg, Ph.D., Author, Professor
of Psychology, California State University

Ronald T. Haskins, Ph.D., Associate
Director, Bush Institute for Child and
Family Policy, U of NC

Honorable Phil Hoff
Former Vermont Governor

Joan Berlin Kelly, Ph.D.,
Executive Director
Northern California Mediation Center

James Levine, The Fatherhood Project,
The Bank Street College of Education

Honorable Fred Lovegrove
State Senate, Connecticut

Dr. Carl H. Mau, Jr.
General Secretary
Lutheran World Federation
(1974-85)

Honorable Fox McKeithen
Secretary of State, Louisiana

Honorable Jack Metcalf
State Senate, Washington

John Money, Ph.D., Professor of Medical Psychology and
Pediatrics
Johns Hopkins University and Hospital

Honorable Velmanette Montgomery
State Senate, New York

Honorable Mac Parsons
State Senate, Alabama

Mei Roman, Ph.D., Professor,
Director, Group and Family Studies
Department of Psychiatry
Albert Einstein College of Medicine

Sue Klavans Simring
Co-Director Family Solutions
The Center of Divorce and Custody Consultation

Honorable Debbie Stabenow, Chair
Mental Health Committee
House of Representatives, Michigan

Carol Stack, Ph.D., Director, Center for the Study of the
Family and the State
Duke University

Nick Stinnett, Ph.D.,
Department of Human Development and Family Life
University of Alabama

Typesetting and design by NextStep
Publications, 1485 3rd, Astoria, OR 97103

New NCCR Advisor



NCCR is pleased that Sen. David Durenberger (R-MN) has accepted our request to become an advisor to NCCR. Sen. Durenberger has been a strong advocate in the U.S. Senate for balanced family law legislation. Sen.

Durenberger is the second U.S. Senator to become an NCCR advisor. The other is Sen. Dennis DeConcini (D-AZ), who has been an advisor since NCCR's formation in 1985.

Why Are Child Support Awards Declining?

Researchers have found that from 1978 to 1985, "the major factor responsible for the decline in child support award levels was rising relative female earnings...although more women were awarded and paid child support, (because of intensified government efforts), the amount awarded and the amount paid declined steadily."

These findings are in a report funded by the U.S. Department of Health and Human Services (HHS), but not yet available from the government.

According to the report, "the average child support award in the U.S. declined (between 1978 and 1985) an astonishing 25 percent."

The report was prepared by Philip K. Robins, Department of Economics, University of Miami, and The Institute for Research on Poverty, University of Wisconsin, Madison, January 1989, revised May 6, 1989.

Although the report cites inflation and changes in the demographic characteristics of the population due to child support for the decline, "a further cause, apparently not recognized before...is attributed to a steady upward trend in female earnings relative to male earnings. In most states, earnings of both men and women are important determinants of child support award levels."

Rising Female Earnings

Findings by the researchers suggest that "the important role played by rising female earnings in explaining recent declines in child support awards implies that, unlike erosion of awards due to inflation, the reduction in child support awards due to rising female earnings may not necessarily be associated with a reduction in the standard of living of single-parent families. This is because the increased earnings may have offset somewhat the reduction in child support.

"However, an important policy

question arises concerning whether it is socially desirable to have a child support system in which such a 'tax' is imposed on female earnings."

(The researchers apparently do not believe that child support should be related to the income of both parents, but should be a fixed amount regardless of income).

"Available evidence suggests that the standard of living of women declines by about one-third when a marital dissolution occurs while the standard of living of men increased by about 15 percent."

(This is an implicit rebuttal of Lenore Weitzman's figures in The Divorce Revolution which alleges a much wider disparity in the standard of living between men and women post-divorce).

"As a consequence, the poverty rate among single-parent families headed by women is much higher than for any other demographic group. Therefore, it is possible that a system in which child support supplements, rather than replaces, female earnings may be a more socially desirable policy."

The researchers concluded that because of data limitations, the results of these findings must be viewed as tentative. "Before firmer conclusions can be drawn, better data are required and a more complete analysis must be made of the relationships between child support, custodial and absent parent earnings, and total family income," they said.

Copies of the 37 page report may be obtained from NCCR for \$5.00 for NCCR members, and \$10.00 for non-members.

NCCR's View

The federal government could obtain the better data the researchers called for if the U.S. Census Bureau, in its regular studies of child support payments which is funded by the Of-

fice of Child Support Enforcement (OCSE), asked non-custodial parents what they pay, not just mothers what they say they receive.

Under the current Census Bureau system, there is no verification of this information provided by the custodial parent. Nor is there any attempt to collect data on joint/shared custody arrangements. Furthermore, male custodial parents are not asked for information on the payment records of female non-custodial parents.

Why is more reliable data needed? The prestigious Urban Institute in Washington, D.C., was collecting data on payment patterns nationwide. The Urban Institute found that fathers in Florida and Ohio were paying up to 40 percent more in child support than had previously been reported by the custodial mothers.

The Office of Child Support Enforcement, a department of HHS, had funded this Urban Institute study, but then cancelled the study before all 50 states could be surveyed. HHS officials outside of the Office of Child Support Enforcement objected to the cancellation, saying that the study was obtaining reliable information not only on payment patterns, but also learning of the relationship between work and welfare dependency, important information that was nowhere else available, and which Congress had urged HHS to collect.

To this date, the Office of Child Support Enforcement continues to be in opposition to reinstating the Urban Institute study.

If you want the Urban Institute research reinstated, and/or the Census Bureau to collect better data, write to Dr. Louis Sullivan, Secretary, U.S. Department of Health and Human Services, 370 L'Enfant Promenade, Washington, D.C. 20004, or to your Senator or Representative, U.S. Congress, Washington, D.C. (the zip code for all Senators is 20510; the zip code for all Representatives is 20515).

Access from page 1.

committee, at which Natcher and the senators were present, who wanted specific dollar amounts for access and other demonstration projects in the bill.

Although we did not get a specific dollar amount in the bill, we are encouraged that Congress specifically mentioned the access demonstration project as a project worthy of funding.

Nevertheless, the battle for funding is not yet over. The battle now shifts to the Family Support Administration (FSA) within the Department of Health and Human Services. This is because the law provides that FSA will decide which of the demonstration projects gets funded, and for how much.

We are encouraged that Robert Harris, who was acting director of the Office of Child Support Enforcement, which, like FSA, is a department within HHS, spoke positively on this issue at NCCR's Fourth Annual Conference in October.

He said at a press conference that the question is not whether access projects will be funded, but how it will be administered and which state agencies will get grants. Under the law, it is the states, not private agencies, that must apply for the grants.

The level of funding may well rest

in the hands of Gordon Johnson, who is being nominated by President Bush as the new head of the Family Support Administration in HHS. Johnson is the former director of the Illinois Department of Children and Families.

If funded, it is expected that FSA will award several grants of several hundred thousand dollars each for access demonstration projects to states that apply for and win the grants.

Contracting Out

States sometimes contract out part or all of a grant. Thus, it is possible that qualified groups within a state could be provided grant money to do such things as: hire staff to handle access complaints, develop an "800" number where parents could obtain information and referrals about access, and write and print flyers informing parents of their obligations and rights regarding access.

NCCR and other groups and individuals have met with HHS officials, asking that a third of the entire Congressionally budgeted amount for research and demonstration projects — \$6 million, be provided for access projects, not just a portion of the \$3.25 million above what HHS asked for in research.

NCCR will assist groups wishing

to apply for a grant within a state.

If your group has operated a grant in the past, this could also establish your group's credibility to handle a grant now.

We also suggest you contact a U.S. Senator or Representative in Congress, to inform them that your organization plans to apply for a grant. Members of Congress are always interested in possible grant money flowing into their states.

We would appreciate your keeping NCCR informed if you wish to apply for a grant. We may be able to assist you regarding the situation in the nation's capitol.

If you do apply for a grant, contact HHS employees on the state level who work for the federal FSA or Child Support office. Be realistic in your grant expectations: Handling an "800" number or writing a flyer, though difficult, will be much easier than hiring staff.

Appropriations for staff may end at a certain date (when funds run out), but flyers and "800" numbers may survive, thus creating a continuing demand for services, and for your group's input, especially if you are a resource group named on the flyers.

Reproduced below are the congressional authorization and funding provisions.

Authorization

SEC. 504 of the 1988 Family Support Act (Public Law 100-485)

(a) In General — Any State may establish and conduct one or more demonstration projects (in accordance with such terms, conditions, and requirements as the Secretary of Health and Human Services shall prescribe, except that no such project may include the withholding of aid to families with dependent children pending visitation) to develop, improve, or expand activities designed to increase compliance with child access provisions of court orders.

(b) Activities Under Project. — Activities that may be funded by a grant under this section include (whether conducted through the executive, legislative, or judicial branches of the State) the development of systematic procedures for enforcing access provisions of court orders, the establishment of special staffs to deal with and mediate disputes involving access) both before and after a court order has been issued), and the dissemination of information to parents.

(c) Other Requirements. — In the case of any experimental, pilot, or demonstration project undertaken under this section, the project —
(1) must be designed to improve the financial well-being of families with children or otherwise improve the operation of the program or programs involved; and

(2) may not permit modifications in any program which would have the effect of disadvantaging children in need.

(d) Authorization of Appropriations. — For the purpose of making grants to States to assist in financing the projects established under this section, there is authorized to be appropriated not to exceed \$4,000,000 for each of the fiscal years 1990 and 1991.

(e) Report. — Not later than July 1, 1993, the Secretary of Health and Human Services shall submit to the Congress a report on the effectiveness of the demonstration projects established under this section in —

(1) decreasing the time required for the resolution of disputes related to child access.

(2) reducing litigation relating to access disputes, and

(3) improving compliance with court-ordered child support payments.

Funding

Congressional Conference Report 101-172, page 115 (soon to be available as part of Public Law 101-166)

Of the amount provided, the Committee identifies \$6,000,000 for FSA research and evaluations, which is \$3,250,000 above both the 1989 level and the Administration request. The Committee provides this increase in consideration of the studies and demonstrations that were authorized in the Family Support Act of 1988. Funding beyond that required for continuation grants should be used to assist in initiating several of these new studies, such as the child access demonstration, the national minimum benefit study and the jobs creation demonstration.

D.C. Child Support Guideline Overturned

The Washington, D.C. Court of Appeals has overturned the Child Support Guideline in the District of Columbia. In *Fitzgerald v. Fitzgerald*, the Court held on October 13, 1989 that the Child Support Guideline conflicts with the existing law of the District of Columbia and is unauthorized.

The litigation involved calculation of child support for the daughter of Lorenzo C. Fitzgerald and Alice McKnight Fitzgerald. The father had custody of the daughter. The mother was ordered to pay child support as calculated under the Guideline. The father calculated the costs of raising the child at \$724 per month, to be shared by the two parents.

Instead, the Superior Court had ordered child support of \$1,316 per month (to be paid wholly by the mother) following calculations under the Guideline.

The National Council for Children's Rights and the Washington, D.C. chapter of the Women's Division of the National Bar Association ("GWAC") supported Alice McKnight Fitzgerald in arguing that the Guideline violated D.C. law.

The brief arguing that the Guideline was unfair was written and orally argued before the Appeals Court by Ron Henry, on behalf of NCCR and GWAC.

Needs of the Child

D.C. law requires that child support is to be based upon the needs of the child, the parents' ability to pay, and the particular facts and circumstances of the parties in litigation.

In contrast, the Guideline adopted a mathematical formula which was based principally upon the non-custodian's gross income and which was purposely calculated to provide compensation to the custodian in excess of the costs of raising the child.

NCCR and GWAC argued that child support should be related to the needs of the child and should not be



Judge Judith Rogers

"...child support should be related to the needs of the child and should not be seen as a reward for winning a custody fight or as a salary for the custodian."

seen as a reward for winning a custody fight or as a salary for the custodian.

Chief Judge Judith Rogers and Associate Judge John Terry agreed in their opinion, saying that under the Guideline, "the trial court has failed to determine either net income or the child's needs."

NCCR and GWAC also argued that the Guideline contained hidden assumptions which worked unfairly in many cases but which could not be rebutted because the assumptions were undisclosed. For example, the Guideline claimed that it had given consideration to tax obligations and child care expenses in establishing the basic support obligation as a percentage of gross income.

The Guideline did not explain, however, how these factors had been taken into account and parties in litigation were unable to measure the extent to which their own circumstances differed from the assumptions in the Guideline.

The court agreed, citing the "rigidity" of the Guideline and the lack of economic data used to draw up the Guideline.

Up to 38% of Gross Income

Under the Guideline, a non-custodian earning \$25,000 or more would be ordered to pay 25 percent of gross income for one young child. Higher percentages applied for older children and where more than one child was present (up to 38 percent of gross income, which is about 75 percent of net income).

NCCR and GWAC argued that these support levels were unrelated to the needs of the child and were grossly out of line with child support awards in other jurisdictions including neighboring Maryland and Virginia.

Guidelines are necessary and important, but NCCR and GWAC argued that they believe fairness is

Continued on next page

Child Support Guideline *Continued from page 5*

the best way to assure that child support is actually paid.

When a child support award is punitive or unrelated to the needs of the child, NCCR and GWAC argued that noncompliance with court orders increases and parent-child relationships are damaged.

The unfairness of the Guideline had also become an issue of considerable conflict inside of the District of Columbia Superior Court. In an article June 12, 1989 the *Legal Times* of Washington, D.C. reported that "Hearing commissioners who determine child support awards have in many recent cases refused to follow the Guideline claiming that they are unfair."

In rejecting the Guideline, the Court of Appeals also criticized the procedure by which the Guideline was adopted. The Committee which created the Guideline did not hold public hearings or seek public comments prior to the implementation of the Guideline. NCCR and GWAC also noted that the Guideline Committee contained several representatives of the Women's Legal Defense Fund and other groups that did not contain representatives of non-custodial parents or second families.

NCCR and GWAC also argued that the Guideline Committee had ignored a mandate from Congress, as a part of the 1984 child support amendments, to study visitation and custody issues.

The subject of a Guideline shifted to the City Council, the 13-member legislature of the District of Columbia. On December 19, the Council passed a variation of the repudiated guideline as a temporary measure. It will be effective for about six months after which the district will have to pass a permanent guideline.

D.C. judges estimated that about 10,000 child support orders were issued during the two year period that

the rejected Guideline was in effect. The losing side has appealed to the full nine-member D.C. Court of Appeals, and it is not clear what effect these actions will have on those cases.

The brief filed by NCCR and GWAC is available as NCCR Report L104 in the NCCR Catalogue. For a copy of the court decision, NCCR members send \$1.00 postage; non-members, send \$5.00.

Custody and Children's Rights

PROTECTING PARENTS' AND CHILDREN'S RIGHTS

concentrated in:

- Child Custody • Property Disputes
- Support Problems

312-807-3990

105 W. Madison, Suite 1008
Chicago

ATTORNEY AT LAW
JEFFERY M. LEVING

Child Support Analysis

For presenting your own case in court (Strictly confidential) or for presenting to your legislature. Includes proposals for equitable results in a variety of situations. Laser quality data and graphs.

Sharp Data

When you want to make a **POINT!**

Fred Tubbs (802)223-0873
RFD 1 box 284A
East Montpelier VT 05651
Serving all 50 states.

Advertise in SPEAK OUT FOR CHILDREN

NCCR's quarterly newsletter.

For a rate card, write:
NCCR Ads
NextStep Publications
1485 3rd
Astoria, OR 97103
Or call (503) 325-8828

R.S.V.P.

Ronnie Solomon Video Productions,
5808 Runford Dr.
New Carrollton, MD 20784.
(301) 577-0191.

Computer, data base, and
management
information services are
provided by:

Prior Computer Service Inc.
12815 Twinbrook Parkway
Suite 210
P.O. Box 2168
Rockville, MD 20852-0168

John Prior
data base specialist.

301/468-3252 /VOICE
301/881-6588
BBS
COMPUSERVE
76266,1072

Joint Custody Under Attack

NCCR sent an "Action Alert" to its members and supporters in early January, 1990. We repeat a portion of that "Action Alert" here for those who may not have received it.

"Joint custody rights of non-custodial parents are again under attack!

"A joint resolution was introduced in Congress by Congresswoman Connie Morella (R-MD) and Congressman George Miller (D-CA) that could significantly weaken joint custody.

"This Resolution calls for a lowering of the standard of evidence in courts to prove child or spousal abuse.

"This would be a powerful tool for vindictive custodial parents to wrench custody and access (visitation) rights away from non-custodial parents.

"Allegations of child or spousal abuse would not have to be supported by credible, proven abuse. "Any lie will do," says NCCR General Counsel Michael L. Oddenino.

"The practical impact of this Resolution is that it would send a powerful signal to the states to change existing laws to this new lowered standard of evidence ("Any lie will do").

"If passed with two money bills that have also been introduced, funds would be available to implement this lowered standard.



Congressman Miller

Mediation Also in Danger

"This resolution is also designed to weaken support for mandatory mediation. This again sends a clear and unmistakable message to state agencies and state legislatures coupled with funding to weaken existing mediation programs or to oppose the establishment of new mediation programs. Your letters and phone calls are urgently needed.

"Please contact the committee chairmen considering these bills, and your Congressman.

Ask them to amend the legislation to retain standards of credible evidence so the rights of non-custodial parents and their children are not overlooked.

Contact the following:

Congressman Barney Frank (D-MS), Chair, Subcommittee on Administrative

Law; Congressman Henry B. Gonzalez (D-TX), Chair, Committee on Banking; Congressman Robert Kastenmeier (D-WI) Chair, Subcommittee on Courts. Write 'Rayburn Building, Washington, D.C. 20515' for all three committee offices. Your Congressman may be contacted at either his/her local District Office, or 'Washington, D.C. 20515.'

Urge amendment of H. Con. Res. 172 (The Resolution), and the money bills (H.R. 2951 and H.R. 2952).

The full text of the Resolution and bills are available from NCCR. Please enclose a long, stamped, self-addressed envelope.

(Contributed to by Doug Brooks, legislative advisor, NCCR)

"50 Most Wanted"

Child support obligors will not be the only ones whose names and photos are published, because visitation violators will also be publicized from now on, by NCCR.

Several states, including Virginia, Delaware, Florida, Pennsylvania and Maryland, publish lists of the "Most Wanted" parents who owe child support, but none of these states publish lists of "most wanted" parents who violate access (visitation), as NCCR President David L. Levy said in a *New York Times* article on December 8, 1989.

To fill this gap, NCCR is asking the many parents who experience

difficulty in getting to see their children to send to NCCR, 1) a copy of their court visitation order, 2) a brief description of the violations, 3) a photo of the violator, and 4) the location, if known, of the custodian, and 5) a brief corroboration by an attorney, friend or relative that the violation exists.

The information should be sent to NCCR, Department 50, 721 2nd Street N.E., Washington, D.C. 20002.

NCCR will then distribute to the media information on the 50 "Most Wanted" parents who violate visitation orders. This list will represent all regions of the country, and will be distributed especially to states where

non-support payers are publicized, as Levy said in an appearance on the nationwide NBC "Today Show" on December 19.

"Because independent researchers find that access (visitation) violations occur in 25% to 50% of custody cases nationwide, NCCR will distribute information about visitation violators to emphasize the importance of parenting for children of separated and divorced parents.

"Financial child support is vital, but so is emotional child support," said Levy. "Kids need two parents as much or more than they need money for another pair of jeans."

NCCR's October Conference Great Success

Nationally prominent researchers and writers on family and children's issues spearheaded NCCR's Fourth Annual Conference October 13-15.

More than 160 people attended part or all of the conference, up from 115 people who attended the conference the previous year. Attendees include judges, parents, mental health professionals, custody reform advocates, writers, lawyers, teachers, and pre-court trial services staff.

The theme for the conference was "Children in Divorced Family Systems: New Approaches."

The conference included talks, workshops, a banquet, bookfair, film theater, press conference, awards ceremony, and other events.

Speakers included Richard A. Gardner, M.D., a national authority on the concept known as the "Parental Alienation Syndrome," Michael Kerr, M.D., a leading advocate of the "Family Systems" approach to families, and Emily Visser, Ph.D. and John Visser, M.D., co-founders of the Stepfamily Association of America.

Gardner...

Discussed the Parental Alienation Syndrome (PAS). In the PAS, a parent programs the child against the other parent, and the child joins in the denigration of the other parent. There are three types of PAS families: severe, moderate and mild. Each warrants a different approach. The mother is the alienating parent in the majority of cases, but the same considerations apply to the father when he is doing the alienating.

In the extreme case, the "mothers" are often fanatic.

In moderate cases, the children are less fanatic. In those cases, the fathers must be helped not to take so seriously the children's vilifications.

In mild cases, mothers generally have a healthy psychological bond with the children. However, we may still see some manifestations of program-

ming in these mothers in order to strengthen their positions.

Gardner favors transferring custody only in the severe cases. In the moderate and mild cases, he believes the mothers, their antics notwithstanding, generally still serve better as the primary parent.

Kerr...

The Family systems theory was developed during the 1950's and early 1960s by psychiatrist Murray Bowen.

The family is conceptualized to be a "system" because a change in the emotional functioning of one family member predictably leads to compensatory changes in the emotional functioning of other family members.

This interdependence of functioning is not caused by one person, but created by the participation of all. Emotions and feelings, and subjective attitudes about how oneself and others "should be" fuel the process.

The less differentiated child is more likely to take sides, to blame himself or herself, or even to develop symptoms. A more differentiated child can view the situation a little objectively and, as a consequence, adapt more successfully.

A divorce can complicate the situation for the most involved child because he may become even more of a focus of parental needs and anxieties.

The Vishers...

A stepfamily can be defined as a household in which there is an adult couple one of whom has a child from a previous relationship. Because more than a third of the marriages in the U.S. involve at least one adult who has been married before, 60 percent of whom have had children, demographers estimate that in 10 years time stepfamilies will be the predominant type of American family.

A stepfamily is not a copy of the idealized first marriage or nuclear family. It is formed following profound loss, mainly a death or divorce...

...stress is caused in stepfamilies because of the 'incomplete institutionalization' of stepfamilies in our society.

...clinical observations and empirical research has begun to provide many helpful guidelines for those involved in the usually lengthy process of transition from other households to a satisfactory, integrated stepfamily household.

Other presenters included:

Prince George's County, MD officials **Carolyn Billingsley**, Director, Commission for Children and Youth, and **Hilda Pemberton**, County Councilmember, who discussed the county's Access (visitation) Counselor Position.

Ronald K. Haskins, minority staff, and **Rich Hobbie**, majority staff, House Ways and Means Committee, and **Deborah Arrindell**, of Wider Opportunities for Women (WOW), Washington, D.C., discussed The Family Support Act of 1988 and Implications for the Future.

Ms. Arrindell spoke in place of Cindy Marano, president of WOW, who was unable to attend.

Kathleen Brown, assistant editor, C-SPAN, **Terry Frieden**, senior assignment manager, Cable News Network (CNN), and **Diane Digit**, publicity manager, WUSA-TV, discussed the Interaction between Child Advocacy Groups and the Press. The moderator was **Jimmy Boyd**, Director of Research, Texas Children's Rights Coalition, Austin, TX.

Workshops:

Introducing the Aring Institute Model for Working with Children in Groups. Sally Brush, Coordinator, the Aring Institute, Cincinnati, OH.

Banana Splits: A school-based Program for Children of Divorce. Elizabeth M. McGonagle, M.S.W., School Social Worker, Ballston Spa, NY

A Proposal for Lawyers and Mental Health Professionals for Resolving Sex Abuse and Child Custody

Disputes Without the Utilization of Adversarial Proceedings. Richard A. Gardner, M.D.

The Washington, D.C. Child Support Guideline that was overturned by the D.C. Court of Appeals, Ronald K. Henry, Esquire, Washington, D.C.

Working with Children in Stepfamilies. Emily and John Visser.

What Children Say is Not Always What They Mean. Donald K. Smith, Ph.D., Educational Psychologist, Marriage, Family, Child Counselor, Santa Ana, CA.

Political Strategies For and Against Joint Custody. James A. Cook, President, Joint Custody Association, Los Angeles, CA.

Litigating for Joint Custody Clients and Attorneys. Gerald Solomon, Esquire, New Carrollton, MD.

Open Adoption: A New Way of Blending Families. Jon Ryan, President, NOBAR, Baltimore, MD.

Healthy Divorce/Cooperative Parenting: The Gateway to the New American Family. Beverly Willis, Court Service Officer; Jan Powell, M.A., Child Therapy Specialist; Barbara DeMarea, A.C.S.W., L.S.C.S.W., Mediator/Therapist, KS.

Conflict Resolution: Positive Tools for Effective Results. Michael Oddenino, General Counsel, NCCR, Arcadia, CA.

Political Directions for Children's Rights Activists. Andy Cvercko, OH; Art Hemmerlein, NC; Steve Metzger, NY; Pat D'Angelo, CT; George Doppler, PA; Fred Tubbs, VT; George Kelly, MA. Moderator, Tom Greco, NJ.

Re-Defining the Family: What is it That Makes a Family a Family? Lita Linzer Schwartz, Professor of Educational Psychology, Penn State, Ogantz, PA.

Why Do I have to Listen to Her? She's Not My Mother. Carla A. Goodwin, M.Ed.,

Guardian Ad Litem, Psychologist, Consultant to Plymouth Probate and Family Court, Suffolk Court, Boston, MA.

Mediating Joint Custody Disputes. Lawrence Gaughan, Attorney, Mediator, Arlington, VA.

Many of the talks and workshops were recorded, although in some cases, mechanical problems developed. For a list of all the available video and audio tapes, write to NCCR for a catalogue.

We regret that Melva Newman, A.C.S.W., Altadena, CA was ill and could not present her workshop on *The Relationship between Father Absence and Teenage Pregnancy.*

Awards

At the conference, NCCR presented its third annual Chief Justice Warren E. Burger awards for "healers" among lawyers, judges and others, and its third annual Media Awards for the best and worst treatment of children of separation and divorce in the media or advertising.

Winners of the "Healer" awards:

Al Durham,
Director of Intensive
Family Services,
Department of
Human Resources,
State of Maryland,



for providing in-home services for children and families.

(Last year, NCCR gave a "Best in Media" award to WXFL-TV, Tampa, for comparing Florida and Maryland welfare policies. In Florida, if a mother is destitute and can't feed her children, Florida's child welfare officials will often take the children from the mother and put them into foster care. In similar situations in Maryland, the Department of Human Services brings milk and food to the mother until she can get on her feet.)

This year, we gave the award to Al Durham, the person in charge of that Maryland program that helps keep the family together, is less destructive to children, and far less costly. Durham's department has kept 98% of 5,000 economically disadvantaged children safely in their own homes.

The person who nominated both last year's and this year's award winner is Dr. Ed Carlson, of Florida, president of NASVO, a national child abuse prevention organization.

The Honorable James Beasley, Judge, 18th Judicial District, Sedgwick County, Kansas, strong



Continued next page



This new T-shirt and poster design is now available through NCCR's new catalog. For details, see page 19.

supporter of mediation and education programs for families of divorce. Judge Beasley's nomination was supported by letters of testimony from the 29th, 10th and 18th Judicial Districts in Kansas, and leaders of groups representing family law sections of the bar, marriage and family therapy, and mediation.

Judge Beasley was nominated by Bev Willis, pre-court trial services, Kansas.

Sharon Berg, Esquire. This nomination produced more endorsements than any nomination in the three-year history of the award, reported Carla Goodwin, who coordinates the nominations for NCCR.



They attested to Ms. Berg's special qualities as an attorney on behalf of children's rights in Ohio. At a public hearing in Ohio, she once said, "We realize there are children who are hungry in Ohio and across the nation and need to be fed and we can take care of that problem...but let's not forget that there are thousands of children in Ohio with starving hearts."

Ms. Berg was nominated by Andrew Cvercko, chairman of the Children's and Parents Rights Association (CAPRA), Ohio.

The Honorable Francis X. Hennessey, Deputy Chief Administrative Judge of Connecticut. Judge Hennessey is co-chair of the Task



Force on Gender Justice and the Courts, and is a member of the Juvenile Justice Advisory Committee. He also teaches at St. Joseph's College in West Hartford, lecturing on children in the courts to students in the masters program. He also lectures to judges around the country and stresses the importance of having positive, educated, helpful, unbiased judges handling domestic relations cases in the states.

Judge Hennessey was nominated

by Bob Adams, president of the Divorced Fathers of Connecticut, who said Judge Hennessey has "opened up" the study of gender bias in Connecticut to all groups.



presented to Mr. Garrett, who has assisted NCCR in advocacy and education in Maryland. Mr. Garrett, as a member of the Board of Directors of the Prince George's County (MD) Civic Association, had previously nominated NCCR for the award we received from the Civic Association for our work in getting the position of access (visitation) mediation established in Prince George's County. Mr. Garrett, seriously ill with cancer, could not attend the presentation ceremony.

Judge Beasley and Sharon Berg received their engraved plaques in person at the ceremony.

Winners of the Media Awards

Mike Deeson of WTSP-TV, Tampa, Florida, for the excellent three-part series on "Abandoned Grandparents." This news commentary showed the profound loss that grandparents can experience when their children get divorced, and how the bitterness between the parents can spill over into disrupting or interfering with access between the child and the grandparent. The series showed how some grandparents must resort to the courts to gain access to their grandchildren.

Ernest P. White, Jr. of WDCU-Radio, the radio station of the University of the District of Columbia, for his "Mentors' Program" that provides role models for troubled youth in the District of Columbia.



1989 "Family Advocate" Award to **David Garrett**, dedicated to the cause of children of divorce in the state of Maryland. This was a special award

presented to Mr. Garrett, who has assisted NCCR in advocacy and education in Maryland. Mr. Garrett, as a member of the Board of Directors of the Prince George's County (MD) Civic Association, had previously nominated NCCR for the award we received from the Civic Association for our work in getting the position of access (visitation) mediation established in Prince George's County. Mr. Garrett, seriously ill with cancer, could not attend the presentation ceremony.

Judge Beasley and Sharon Berg received their engraved plaques in person at the ceremony.

Winners of the Media Awards

Mike Deeson of WTSP-TV, Tampa, Florida, for the excellent three-part series on "Abandoned Grandparents." This news commentary showed the profound loss that grandparents can experience when their children get divorced, and how the bitterness between the parents can spill over into disrupting or interfering with access between the child and the grandparent. The series showed how some grandparents must resort to the courts to gain access to their grandchildren.

Ernest P. White, Jr. of WDCU-Radio, the radio station of the University of the District of Columbia, for his "Mentors' Program" that provides role models for troubled youth in the District of Columbia.

The "Mentors' Program" is like a Big Brothers program, which pro-

vides young males with volunteer adult males to help them into adulthood. At the request of NCCR, nationally syndicated columnist William Raspberry, whose flagship paper is the *Washington Post*, presented the award to Mr. White on behalf of NCCR.

Melinda Blau, a New York freelance writer, for her article entitled "In the Middle," that appeared in *New York Magazine*, September 21, 1989. The article describes how many families benefit from family therapy — an approach that treats a problem from a family perspective, rather than as a problem of just one member of the family.



Wonder Works, a public television show for children, for its animated special entitled "Happily Ever After," produced by JZM Productions, Pittsburgh, PA. This film was presented from the perspective of a little girl whose parents were divorcing. Even though the parents were sensitive, the little girl needed their help, plus the help of her friends, her teacher, and finally her counsellor, to help her resolve her hurt. Narrated by Carol Burnett, and starring the voices of Henry Winkler and Carrie Fisher.

Ernest White and Melinda Blau received their engraved plaques in person.

Judge Wins Raffle

Each registered attendee at the conference received a free raffle for a valuable sculpture by noted Ellis Island sculptor Phillip Ratner. Other raffles were purchased by various people during the year. The sculpture depicts a father and son landing at Ellis Island around the turn of the century. The winner of the foot-high sculpture, valued at \$2,000, was Judge Ralph Lamar of Kansas, who attended the conference. The winner was picked at the banquet on Saturday, October

14. Judge Lamar remarked that it was the first major item he has ever won. Congratulations, Judge Lamar.

If anyone else would like to order a Phillip Ratner sculpture, see the new NCCR catalogue. The price is \$2,000, with a portion of the price going to NCCR; this portion may be tax-deductible.

Thanks

NCCR would like to thank the many volunteers who made the conference a success. They include conference coordinator Ellen Dublin Levy; Deanne Mechling, who spent many months contacting publishers and ordering books; Donna and Chuck Stewart, who came to Washington from their new home in Denver to help with registration (Donna) and to run the bookfair (Chuck) with Deanne's help; John Prior and Ed Mudrak, database coordinators, who spent many hours working on conference data.

And Carla Goodwin, who handles the "healer" awards each year; NCCR college student interns Amy Laubi and John Messinetti; Peter Eccles, who helped with recording of events; Margaret Eccles, bookkeeping; Ada Patterson and Nancy Adams, who helped with registration; Elliott H. Diamond, who designed our new NCCR T-shirt, and Fred Tubbs, who handled T-shirt production; Dr. Gary Santora, raffles; Paul Robinson, general help.

NCCR extends special thanks to Jimmy Boyd, of the Texas Children's Rights Coalition, Austin, Texas, who for the second year in a row came to Washington nearly a week in advance of the conference to help with conference publicity.

Ten representatives of the press attended our press conference at the start of the conference, partly through Jimmy's efforts.

NCCR would also like to thank Alterre Ltd., a Virginia construction company (Ken Bamford, president) that provides NCCR the invaluable help of an office secretary; that secretary, Veronica Daugherty, also assisted at the conference.

We also appreciate the many conference attendees who pitched in during the weekend.

Status of Chapters

NCCR's proposed constitution and national bylaws were discussed at the closing session of the conference. NCCR coordinators from several states were present, along with persons interested in chapter affiliations.

NCCR adopted bylaws when we were incorporated in the District of Columbia in 1985. However, there was no provision in them for state chapters. The new bylaws provide for chapters.

NCCR distributed copies of proposed bylaws, as well as copies of a proposed new NCCR constitution, prior to the meeting, and at the meeting, to organizers of NCCR chapters.

Most of the discussion at the closing session evolved around how policy will be set within NCCR. Several different suggestions were put forward.

The NCCR Board discussed the proposals in the weeks after the conference, and, in consultation with chapter affiliates, is tentatively forming a Steering Committee. The Committee would be made up of one representative from each state that has a functioning NCCR chapter.

The steering committee would be expected to meet several times a year, and to discuss matters informally between meetings, among themselves, if they wish to.

It is hoped that some of the meetings could take place in states where

there are active chapters.

The Steering Committee would not set policy; that would be done by the NCCR National board of directors.

"However, NCCR operates by consensus, so the views of the state chapters will be highly valued," said NCCR President David L. Levy.



Dr. Edith Flynn

Delinquency and Crime

Dr. Edith Flynn, a criminologist and author, sparked controversy at a press conference at NCCR's Fourth Annual Conference when she stated that children of single parent homes are twice as likely to have trouble with the law and drugs than children of two parents.

She was quoting from the results of a study to be published in a forthcoming issue of *Crime and Delinquency*, a prestigious quarterly journal published by Sage Publications in California.

Dr. Flynn said the researchers differentiated between delinquency and non-delinquency, and occasional delinquency versus persistency delinquency, to arrive at the most reliable results. The researchers also controlled for various factors, including whether there is a father in the home, whether

Continued on next page.

Breakdown of 160 conference participants by state:

D.C.	36
Virginia	29
Maryland	22
New York	9
Ohio	9
California	8
Connecticut	6

Massachusetts	6
New Jersey	6
Kansas	5
Unknown	2
Arizona	2
Colorado	2
Illinois	2
Maine	2
Michigan	2
North Carolina	2

Rhode Island	2
Alabama	1
Florida	1
Iowa	1
Louisiana	1
Montana	1
Missouri	1
Texas	1
Canada	1

NCCR Offering Books

NCCR has always offered books for sale at our annual conference, but now, for the first time, we will be offering books for sale on a year-round basis.

More than thirty titles will be available, including books for and about Children, Families, Single Parenting, Mediation, Stress Management, and Child Abuse.

Authors whose books will be represented are Richard Gardner, M.D., Emily Visser, Ph.D. and John Visser, M.D., Vicki Lansky, Isolina Ricci, Robert Adler, and many others.

Deanne Mechling, an NCCR volunteer who did an excellent job of obtaining books from publishers for sale at our Fourth Annual Conference, will handle the book sales year-round.

For a catalog of the books that are

available, write to a special address that NCCR has acquired for books sales. It is NCCR, Post Office Box 5568, Friendship Station, Washington, D.C. 20016.

NCCR members will receive a 10% discount on books. Membership in NCCR is \$25.00 a year.

Directory of Organizations

NCCR is offering, for the first time, a "Directory of Organizations." The first edition of the Directory lists more than 1,200 organizations involved in custody reform, mediation, and family assistance. The Directory is very useful for making referrals around the country, and abroad. The Directory is the result of excellent data base information services by John Prior and Ed Mudrak, of NCCR. Other organizations and individuals around the country have also helped, and they are acknowledged in the Directory. Copies of the Directory may be ordered from NCCR from \$7.00. The revised edition will be available by May 15, 1990.

NCCR's New Address

NCCR's Capitol Hill Office is now our new address for all correspondence. The address is 721 2nd Street N.E., Washington, D.C. 20002. Our new phone number, at the Capitol Hill office, is (202) 547-NCCR (6227).

Mail and calls to our old address and phone number will be forwarded to our new address and phone number for at least six months.

Thanks to everyone who has helped make this new office possible.

New Chapters

Barbara Walker-Seaman, NCCR's coordinator in Florida, has formed a Florida chapter of NCCR. Five persons have joined the Florida chapter and national NCCR. Ms. Walker-Seaman, whose difficulties in attempting to have access to her children were described in our fall issue, believes that NCCR "is the most posi-

tive child advocacy organization I could find, and the one working the hardest to do something about the Parental Alienation Syndrome which is my particular concern."

Ms. Walker-Seaman may be reached at 353 N. Central Avenue, Oviedo, FL, 32765. Oviedo is in Central Florida near Orlando.

Besides Florida, NCCR has chapters in New Jersey, Ohio, Vermont and Pennsylvania. Chapters are also being formed in several other states.

More than 100 members of the New Jersey chapter, the New Jersey Council for Children's Rights, have joined NCCR National. The president of the New Jersey Council is Bruce Gillman of Butler, N.J.

If you are part of a group that might like to affiliate with NCCR, let us know.

Vishers OK After Quake

On their way home from the NCCR conference, Emily and John Visser flew into San Francisco at about 4:00 p.m. on Tuesday, October 17, 1989. They were on the bridge from San Francisco to Oakland at 5:00 p.m. when the earthquake struck. They estimate they were 40 seconds away from reaching the area of the bridge that collapsed. Fortunately, they were uninjured, but they were forced to abandon their car. They spent the night at the Treasure Island Navy Base, in the middle of San Francisco Bay. They were able to retrieve their car the next morning. Their home in Lafayette, CA., near Berkeley, was virtually undamaged.

NCCR Has a New Flyer

NCCR has a new flyer. If you would like copies in bulk (minimum order 50) to distribute to your group's members, local support groups, mediators, mental health professionals, and the like, these flyers are available for 15¢ a piece and have an area on the cover where your group can stamp their name and address under the heading "distributed by." Price includes shipping and handling.

Delinquency from p. 11

there is alcohol abuse, residency patterns of the family, marijuana and drug use, and other factors.

Correlations were computed, and it was found that a doubling of delinquency occurred where the father is absent.

When asked by a member of the press if this was her theory, Dr. Flynn replied that it was not theory, but fact, and the proof existed in any jail or detention center.

Dr. Flynn, a professor in the College of Criminal Justice, Northeastern University, and a former vice president, American Society of Criminology, said if separation or divorce occur, we should do everything possible to assure that children have access to a father and a mother.

Media representatives from various print and TV organizations that attended the press conference included: the *Bergen (NJ) Record*, *Pediatric News*, Fox-TV, Focus on the Family, *American Bar Association Journal*, Parents Without Partners, Chronicle Broadcasting, and the *Cincinnati (OH) Inquirer*. Reporters from the *Bergen Record* and *Cincinnati Inquirer* attended the entire conference.

Raise Constitutional Arguments at Trial Level

Counsel representing child custody litigants should make all appropriate constitutional arguments at the trial level, advises NCCR General Counsel Michael L. Oddenino, in an article appearing in the *American Journal of Family Law*, Winter 1988.

This lesson was driven home in *McNamara v. County of San Diego*, in which the U.S. Supreme Court dismissed the case for want of a properly presented federal question. In *McNamara*, the high court refused to address the question of termination of the parental rights of a unwed father in an adoption proceeding where the father was found to be a fit parent, because the constitutional questions were not raised at the trial level.

"The failure of counsel at the trial level to raise constitutional questions operates to bar important appellate guidance on issues of overriding importance," Oddenino writes. "In any case where custody or visitation issues are contested and left for decision to the trial court, constitutional arguments should be made."

Oddenino recommends the preparation of a trial brief which spells out social science research as well as constitutional arguments. The brief is important to focus the court's attention on the issues, as well as to lay a clean basis for appeal, if appeal is necessary.

"When one parent is seeking joint physical custody or more significant blocks of parenting time than allowed by traditional visitation, the combined use of the social science research, coupled with appropriate constitutional arguments, provides compelling forces for the court to consider," advises Oddenino.

"To raise questions about the general lack of effectiveness of traditional sole custody arrangements will help prepare the soil for planting the seeds of a more nontraditional custody arrangement.



Michael L. Oddenino

Emotional Problems

"Indeed, sole custody arrangements with limited visitation by the noncustodial parent have resulted in children suffering a broad range of emotional disorders, including deep feelings of loss and abandonment, strained interactions with both parents, disturbances in cognitive performance, and sex role identification problems," as Oddenino notes. Dr. Joan Berlin Kelly has written in *Further Observations on Joint Custody*, 16 U.C. Davis L.Rev. 762, 7698 (1983).

Because of the relative rarity of divorce in the past, there are few cases which recognize the constitutional sanctity of the parent-child relationship, but such cases do exist and can be cited to help expand the right, says Oddenino.

For example, in *May v. Anderson*, the U.S. Supreme Court stated in 1952 that a parent's right to the "companionship, care, custody, and management of his or her children is an interest far more precious than any property right."

And in *Franz v. United States*, 707 F.2d 1428, 1431-32 (D.C. Cir. 1983), a federal district court held that "a parent's right to the preservation of

his relationship with his child derives from the fact that the parent's achievement of a rich and rewarding life is likely to depend significantly on his ability to participate in the rearing of his child. A child's corresponding right to protection from interference in the relationship derives from the psychic importance to him of being raised by a loving, responsible, reliable adult."

Civil rights cases should also be cited, says Oddenino.

"We hold that a child's interest in her relationship with a parent is sufficiently weighty by itself to constitute a cognizable liberty interest," a federal appeals court ruled in *Smith v. City of Fontana*, 818 F.2d 1411.

Oddenino foresees significant constitutional questions in the custody area in the coming decade.

Brief Filed

Jon Ryan, president of NOBAR (National Organization for Birthfathers and Adoption Reform), Baltimore, Maryland, reports that he wrote a brief based on Oddenino's publication for a father who represented himself in court, because the father's attorney refused to raise the constitutional arguments. The father was trying to prevent the adoption of his daughter.

Ryan said the raising of the constitutional arguments at trial by the father will serve as the basis for an appeal, should an appeal in the case be necessary.

A number of studies and constitutional issues are also mentioned in "Joint Custody: Constitutional Imperatives," by Holly L. Robinson, *Cincinnati Law Review*, Vol 54, No. 1. (NCCR Report R109), "Evaluation of Sole and Joint Custody Issues," (NCCR Report R103), and "Parent-Child Access After Divorce" (NCCR's new Report R118).

A copy of Oddenino's article is free to NCCR members, if you will enclose a self-addressed stamped envelope with a 45 cent stamp; non-members, send \$5.00.

Around the Country

Alaska

Alaska Dads' secretary Sandra (Sandy) Armstrong, reports that Alaska Dads was successful in getting eight of their recommendations adopted by a state Child Support Task Force Subcommittee.

One of the recommendations would require the state of Alaska to pay \$1.6 million in back child support payments to custodial families where both a family arrearage and a state welfare arrearage exist at the same time.

Alaska Dads found that federal regulations say that where two arrearages exist, one owed to the custodial family, and one owed for public assistance, states have discretion to pay the back child support to the custodial family first.

The subcommittee will request the 1990 session of the Alaska legislature to adopt the "family arrearage first" policy, and to fund the \$1.6 million deficit that will be created in the public budget.

The Task Force was created by the Alaska legislature to respond to the 1988 Family Support Act passed by Congress. Alaska Dads was appointed to the Task Force to represent non-custodial parents.

The Task Force also voted to ask Alaska officials to apply for a child access demonstration project to the federal government. They also asked that non-custodial parents have equal access to the services of the child enforcement agency to seek modifica-

tions of their child support order based on changes of income.

Alaska Dads was also successful in limiting wage withholding to only new child support orders, as called for in the federal government's 1988 Family Support Act.

Their reason for limiting wage withholding was testimony that employers take up to 65 days more in getting their employees payments to the custodial parent than if the non-custodial parent paid directly.

Texas

Joe Milling of Ft. Worth, attempted to get joint custody of his two children, Rives-Patrick, 7, and Ariana, 10, in a five-day hearing in the Tarrant County Courthouse in June, 1989. NCCR President David Levy, and Joint Custody Association President Jim Cook appeared as expert witnesses in favor of joint custody, called "joint managing conservatorship" in Texas.

The hearing was before a jury of 12 persons, because Texas is the only state in the country which allows custody trials before a jury. The jury can decide by a vote of 10 of its members what kind of custody to give.

The jury decided 10-2 to continue sole custody with the mother. She had had sole custody since a pendente lite (temporary) hearing in 1986. It took three years to schedule this final hearing for custody.

The jury, which was polled by the

judge, indicated it was voting for sole custody for the mother for the sake of continuity, even though the parents live only two blocks from each other, and both have shown an interest in fully parenting the children.

The father has been a director of the PTA in both of his children's schools for the past three years, and is currently a substitute teacher in the Adopt-a-School Program for science and math.

The mother is active in cub scouts and dancing lessons with her children.

Under a new Texas law, reported in recent **SPEAK OUT FOR CHILDREN** issues, the legislature has set minimum access standards as the first, third and fifth weekends, Friday after school to Monday morning, Wednesday evenings, summer and Holiday break provisions. But four months after the trial, no decree has yet been entered by the judge, Mr. Milling reports, and he is still having trouble obtaining access to his children.

Mr. Milling, an activist in Texas, says that one of his goals will be to ask the legislature to pass a law that presumes joint custody at the pendente lite (early) state of decisions. He would also like all custody issues to be taken out of the courts and decided in a neutral setting, with the assistance of mental health experts.

(Note: NCCR has available a model bill, based on the Texas law, by which the legislature sets minimum access (visitation) standards. Free to NCCR-members; non-members send \$5.00.)

Announcements

NCCR's Fifth Annual Conference

NCCR's Fifth Annual Conference will be held Thursday to Sunday, October 18-21 in Washington, D.C. The theme for the conference is "An Agenda for Children of the Nineties." If you are interested in attending the conference, or in being a presenter at the conference, write to Ellen Levy at NCCR. The deadline for presenters is March 1, 1990.

Nat'l Council on Family Relations

The National Council on Family Relations (NCFR) will hold its 52nd annual conference on November 9-14, 1990 in Seattle. The theme will be "Children and Their Families." If you are interested in more information, write to Cynthia Winter, at the Council, 3989 Central Avenue N.E., Minneapolis, MN 55421, phone (612) 781-9331. The dead-line for proposals for the 1990 conference is Feb. 1, 1990.

American Orthopsychiatric Association

American Ortho will hold its next conference April 25-29 at the Fountainblue Hotel in Miami, Florida. The theme is "Challenging Established Doctrine: The Impact of Cultural and Societal Forces on Mental Health." For information, contact American Ortho, 19 West 44th Street, Suite 1616, New York City, NY. 10036, 212-354-5770.

In the Courts

Child Abduction

A father who violated an English court's custody order, and refused to send his son back to his former wife in the United Kingdom after a period of visitation in New York, was guilty of a violation of the Hague Convention on the Civil Aspects of International Child Abduction, a New York trial court has held. The Convention provides for the prompt return of children abducted to or wrongfully retained in a country, when both that country and the country of the child's habitual residence are parties to the Hague convention. The King's County Supreme Court ordered the child's return to the United Kingdom, which it found to be his country of habitual residence, having concluded that none of the limited exceptions to the treaty's mandatory return requirement applied in the case.

Sheikh v. Cahill: NY SupCt KingCty, No. 336/83, 9/15/89

Custody

The Arkansas Court of Appeals

said a trial court was mistaken in refusing to award a divorcing mother primary custody of her child solely on the basis of her cohabitation with a man. The child's best interests should be the controlling factor, the Appeals Court said. Arkansas Court "have never condoned a parent's promiscuous conduct or lifestyle when conducted in the presence of a child," the court said. However, it emphasized that prior rulings in which it reversed awards of custody to mothers who had had sexual relationships with several men were based on the evidence in each case, and not on the principle that the parent's conduct constituted an absolute bar to the award of primary custody.

Love v. Love: Ark Ct App. No. CA 89-93, 8/23/89

Joint Custody

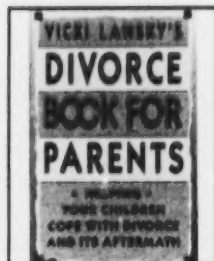
Even where parents agree to a termination of a joint custody order, a trial court is not authorized to terminate the order without a determina-

tion that a change in circumstances has occurred, the Illinois Appellate Court, Second District, has held. Under the state's divorce law, a trial court may not modify a prior custody judgment unless it finds that a change has occurred in the circumstances of the child or parents, and that modification is necessary to serve the child's best interests. The Appellate Court noted that Illinois law now authorizes a trial court to award joint custody over the objections of either parent where such custody is in the child's best interests. This situation reflects the legislature's preference for custodial arrangements that maximize the involvement of both parents in the child's welfare, the court said.

In re Burke: Ill AppCt 2d Dist; No. 2-88-1245; 7/7/89, released 8/3/89.

Note: These cases are selected and summarized from *Family Law Reporter*, with the permission of the publisher, The Bureau of National Affairs, Inc., Washington, D.C.

Book Reviews and Reports



Divorce Book for Parents/Helping Your Children Cope with Divorce and its Aftermath, by Vicki Lansky. New American Library, 1989, 255 pages,

\$18.95. Available through NCCR.

From the author of *Feed Me, I'm Yours* and *The Taming of the C.A.N.D.Y. Monster*, comes this insightful work that helps divorced and divorcing parents deal with the anguish of the marital split-up.

Drawing from her own experience, that of hundreds of other parents, and the expertise of professionals, Vicki Lansky offers parents practical advice on how to minimize their

children's pain and grief with love, understanding and honest communication.

Whether you have sole custody, are the parent with access (visitation), or share custody with your ex-spouse, the *Divorce Book for Parents* is a relevant resource on a variety of topics, including:

- Breaking the news to the kids
- How to behave with your ex-spouse in front of the children
- What their concerns will be and how to address them
- Preparing for the day one parent actually leaves the home
- Holiday guidelines and alternatives
- The Good, the Bad, and the Ugly facts about custody and alimony
- The Dos and Don'ts of talking about, and to your, ex-spouse
- A wealth of support organizations

and helpful literature.

Vicki Lansky, who was a speaker at NCCR's Third Annual Conference in 1988, is a strong proponent of joint custody. She offers conclusive evidence that, when handled correctly, joint custody is the best thing for both parents and children in the long run. Lansky, a columnist for *Family Circle* magazine, offers sage advice on how to make joint custody work.

Throughout the book, Lansky emphasizes the importance of maintaining respect and cooperation between the divorcing parents for the sake of the children. With the book's wise advice and suggestions, parents can avoid acrimonious scenes and reassure their children that they are loved and cared for.

— James Rhee
NCCR Writer

Bills Pending in Congress

International Parental Child Abduction

A bill has been introduced in the Senate by Sen. Alan Dixon (D-IL) to make international parental child abduction a federal criminal offense. The bill (S.185) would make it a crime to conceal or detain a child outside the U.S. "without the consent of the person who has been granted sole or joint custody, care, or possession of the child."

This bill lists certain affirmative defenses, which include (1) acting within the provisions of a valid court order granting the defendant legal custody or visitation rights; and (2) fleeing an incidence or pattern of domestic violence.

We are against parental kidnapping, but we are concerned about several issues:

1. The federal over-criminalizing of the domestic relations area,

2. Encouraging a parent to flee to another country rather than deal with the "incidence" or pattern of domestic violence in the U.S.

3. Having the child during normal visitation outside the U.S. is a defense, but if the custodial parent detained the child outside the U.S. so as to interfere with visitation, this would apparently not be a violation. A phrase should be added to the bill to state that child abduction includes concealing or detaining a child outside the U.S. "without the consent of the person who has been granted access (visitation)."

If this clause is not added, the parent or grandparent with access (visitation) rights would probably have to go to the foreign country to exercise such rights.

The U.S. is already a party to the Hague Convention on International Child Abduction, which says that if a parent has custody, and the other parent takes the child permanently to a country that is a party to the convention, that country must return the

child to the nation of "habitual residence." There is nothing in the Hague Convention or Senator Dixon's bill that would require the child to be returned to the country of "habitual visitation" during periods of court-ordered visitation.

If you have a concern about this bill, write to Sen. Alan Dixon (D-IL), the sponsor of the bill; and Sen. Joe Biden, D-DE, chairman of the Judiciary Committee.

Witness Protection Program

This is a bill to modify federal law regarding visitation rights of parents whose children are relocated under the witness protection program. This bill would require written notification to the other parent that his or her child has been relocated. It would also require the Department of Justice to pay reasonable transportation and security costs to ensure that up to 30 days of visitation (or up to 12 visits) take place each year. For additional visitation, the other parent would have to pay for visitation costs.

We appreciate the strong notification language in the bill, but NCCR thinks that paying the non-custodial parent for only 30 days of access (which is 9 percent of the time on a year-round basis) to what is probably going to be a very distant location from where the non-custodial parent lives, is woefully inadequate.

This bill (H.R. 629) has been introduced by Congressman Barney Frank



Congressman
Barney Frank



Sen. Alan Dixon

Frank (D-MA), and has been referred to the House Judiciary Committee, chaired by Rep. Jack Brooks (D-TX).

If you have concerns about the above bills, we suggest that you

- 1) write to your own congressman or senators
- 2) write to the Congressman or Senator who introduced the bill
- 3) send a copy of the letter to the chairman of the committee that is considering the bill

Send a copy of any correspondence, and replies, to NCCR.

for kids caught in Drugs and Crime. The long-range answer, say criminologists, is improved parenting.

Make a tax-deductible contribution to a major national advocacy group working for a child's right to two parents (a father and a mother), regardless of the parents' marital situation. The all-volunteer National Council for Children's Rights (NCCR), Dept. NS, 721 Second Street N.E., Washington, DC 20002 (202-547-6227) or join NCCR for \$25.00. Write or call for further information. Advisors include "Dear Abby," Sens. David Durenberger (R-MN) and Dennis DeConcini (D-AZ) and Norman Cousins. "Outstanding Group!" — Vicki Lansky (*Family Circle* Columnist).

**JAIL IS NOT THE
ANSWER**

U.N. Convention on Rights of Child

The United Nations General Assembly has adopted the first international convention on children's rights, a pact that would set standards on child abuse, adoption, child labor, and parenting. The General Assembly adopted the convention by consensus on November 20, 1989.

Referred to as the "U.N. Convention on the Rights of the Child," the treaty was drafted for the purpose of creating a world-wide consensus on acceptable standards of treatment toward children.

The document provides a framework for advocacy and development of policies and programs for children and families in countries that adopt the treaty. It will become international law when 20 countries ratify it. At that time, the UN will set up a bureau to monitor and report on the treatment of children in signatory countries.

The treaty contains 54 articles,

several of which are compatible with the purposes and goals of NCCR, as reported in our Fall, 1989 issue.

The following are summaries of several articles in the treaty, regarding the rights of a child.

Article 7 — The right to a name and to acquire a nationality; the right to know and be cared for by parents.

Article 8 — The right to live with parents unless this is deemed incompatible with the child's best interests; the right to maintain contact with both parents; the state to provide information when separation results from state action.

Article 10 — The right to leave or enter any country for family reunification and to maintain contact with both parents.

Article 18 — The state to recognize the principle that both parents are responsible for the upbringing of their children; the state to assist par-

ents or guardians in this responsibility and to ensure the provision of child care for eligible working parents.

In the summer of 1989, NCCR joined a coalition of organizations interested in promoting this UN Convention.

The coalition contact person is Ann Keeney, c/o Interaction, 1815 H Street N.W., Washington, D.C. 20006, phone (202) 822-8429.

For a full copy of the convention, contact Elizabeth Shalk, Director of Education, U.S. Committee for UNICEF, 333 East 38th Street, New York, NY 10016.

If you favor U.S. adoption of this convention by the U.S. (the Senate would have to ratify the treaty for it to be adopted by the U.S.), write to one or both of your U.S. Senators. Mention NCCR's support of the treaty.

— Cidette Perrin,
NCCR Writer

Thanks for Contributing!

We wish to thank those who have joined, renewed their membership or ordered materials from NCCR from September 1989 through November 1989 (does not include conference attendees). * Denotes life member of NCCR (contributions totalling \$500 or more)

Jed Abraham, Parental Rights Organization
Sue Acocks
Karen Asaro
David Ault
Patricia Backus
Lloyd Bell
Sanford Berger, Esq.
Rod Bivings, United Fathers of America Inc.
Rebecca Black
Richard Blair
Lori Blum
Wade Bowie
Dennis Boytim
Paul Castagna
Grace Cavanaugh
PhNian Chang, University of Minnesota Hospitals
Fay Cramp
Charles Craver
Joseph Crum, All Children's Hospital
Roland Cyr
Pat D'Angelo
Deborah Debow Weissman
* Elliott H. Diamond
Marilyn Dickman
Peter Eccles
James Fast

Gretchen Fee
Vincent Finocchio
Carl Friedman
Kurt Fritzinger
Louis Gallo
Patricia Gannon Davis
Gary Garriott
Michael Glanovsky
C. Goldsborough
Carla Goodwin
Donald Gordon, Center for Psychology & Family Law Alternatives
E. Celeste Gorman, Marriage and Family Consultation
Evelyn Green
Martin Greenberg
William Hall
Addie Harper
Michael Hirschensohn, ENUF
Dave Holtzendorff
Richard Huston
Fred Irani
Jonathan Israel
Robert Katz, Katz & Katz
George Kelly
Ronnie Kile
Paul Kirchmeier
Mayer Klein
John Kost, Trinity Lutheran Church

William L'Hommedieu
Sherrill LalPrade
Martin Lachman
Maura Lliboratore
Judith Lieber
Manuel Lopez
John Lorenz
Carl Mani
Cyril McAndrews
James Mechling
Stuart Miller
Susan Miller
Ellen Muller
John Murphy, Fathers for Equal Rights
Patricia Murphy
Thomas Nelipowitz
Meridel Newman
Karen Olejars
Victoria Olson
Susan Page
Phillip Parker
Richard Parker
Gloria Peters
Marlin Pierce
Joseph Pirone, Institute for Family in Transition
Jack Quinn, Columbus Fathers for Equal Justice
Gilbert Quinones

George Rhen
John Rutherford, Men's Rights Association
Steven Shapse
Susan Shetka, R Kids of MN
Thomas Slater
Thomas Smith
Vance Smith
Jerry Solomon
Stephen Stys
R Kirk Suttell
Kent Taylor
Danny Thomas
Daniel Thucener
David Tuck
Dorothy Vallee
Eugene Veto
Mickey Viar
Harvey Walden
Margaret Weber, Grandparents Rights of MO
Ted Westrich, In the Child's Best Interest
Donald Wilkinson
Ronna Wise
Ronald Witmer
Andrew Yablonsky

Here are a few selections from
The
National Council for Children's Rights

1990

CATALOG OF RESOURCES

for parents
and professionals

Books for Children
Parents

Stepparents

& Single Parents;

**Titles on Stress Management,
& Mediation, Legal Issues & Child Abuse;**
Plus

Reports on Custody, Access, and Divorce;

Video and Audio Cassettes,

Legal Briefs,

and a Special Selection of Gifts.

My Mom and Dad Are
Getting a Divorce?



Written by Florence Bienenfeld
Illustrations by Arthur Scott
Consultant: Mayer Etkin

Especially for Kids

My Mom and Dad are Getting a Divorce, by Florence Bienenfeld. Cartoon style, story form focuses on the feelings children ages 4-12 have about divorce. Helps them acknowledge, deal with, and communicate the feelings of sadness, loss, hurt, anger, guilt, helplessness and fear triggered by the divorce. **BKK-103 — 38 pages \$3.95.**

Especially for Parents

Successful Single Parenting, by Anne Wayman. One day you're married, the next day you're not. This practical and supportive guide for single parents faced with the emotional roller coaster ride helps parents deal with the new situation, whether one has sole, joint, or no custody at all. **BKF-404 — 180 pages. \$4.95.**

Parents in a Pressure Cooker, by Jane Bluestein, Ph.D. and Lynn Collins, M.A. Asks the question: Are you as a parent "cooking" or are you "steaming?" A guide to responsible and loving parent/child relationships. **BKF-405 — 180 pages. \$9.95.**

Fathers' Rights—The Sourcebook for Dealing with the Child Support System, by John Conine. Authored by a child support enforcement officer who worked for many years at both the state and national level. Suggests how to change a biased system to deal impartially with husbands, wives and children. **BKF-406—220 pages, hardback. \$17.95.**



Members will receive their free copy of NCCR's complete catalog soon. Non-members can order one for \$1.00. Send to: NCCR, 721 2nd St.N.E., Washington, D.C. 20002.

Successful
Single
Parenting



Child Custody Mediation

TECHNIQUES FOR COUNSELORS,
ATTORNEYS AND PARENTS

by Florence Bienenfeld, PhD

With an Introduction by
Carl Whitaker, MD

Mediation

Child Custody Mediation, by Florence Bienenfeld, Ph.D. Techniques for counselors, attorneys and parents. Author includes case histories and descriptions of mediation techniques. **BKE-601 — 194 pages, hardback, \$12.95.**

Mediating Divorce, by John M. Haynes, Ph.D., and Gretchen Haynes, M.A. John Haynes, founding president of the Academy of Family Mediators, and trainer of about 5,000 judges, lawyers and therapists in mediation, and Gretchen Haynes, show how mediation techniques can be applied. **BKE-602 — 310 pages, hardback published 1989, \$27.95.**

Family Evaluation in Child Custody Mediation, Arbitration, and Litigation, an update of Family Evaluation in Child Custody Litigation, by Richard A. Gardner, M.D. Gardner proposes a three-phase system to remove child custody evaluations from courtroom litigation. **BKE-603 — 690 pages, hb, \$35.00.**

Special Gifts

Especially for Children!

The Written Connection. A communication system containing everything you need for 2-way correspondence between parents/relatives and children. Created by Melanie Rahn, published by Positive Parenting, Inc. **Six-month program starter kit, ages 4-12 including 32-page, illustrated guidebook for parents. C102—\$49.95** Refills available.

A CHILD'S RIGHT 2 PARENTS

FOR THE NATIONAL COUNCIL FOR CHILDREN'S RIGHTS
(202) 224-NCCR

Bumper Stickers—A Child's Right 2 Parents with the NCCR logo and phone number. **B101—\$1.50**

T-shirts. Design on front side only says "Help stop Crime. Give Kids Two Parents - National Council for Children's Rights." 4 color design, Haynes, all-cotton T-shirts. Specify adult or child sizes in S, M, L, or XL, in background colors of grey, yellow, ecru, or pink. **P-101 — Adult sizes, \$10.00, kids sizes, \$8.00. Poster with same design as T-shirt. P102 — \$1.50.**

Poster. Design of troubled children with wording stating "At Risk? Two Parents Needed!". Contains logo of National Council for Children's Rights. 3 color design 12" by 16" suitable for framing. **P201 — \$1.50**

Reports

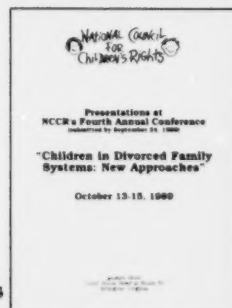
Banana Splits. A voluntary, low-cost, school program for children of divorce. It enables them to discuss changing family structure in peer groups, with a counselor, so as to do better emotionally and academically. Parents also participate. NCCR interviews the founder of the program. **R110 — 14 pages, \$5.00.**

New Release! Parent-Child Access After Divorce. A Review of Research and Research Needs. A comprehensive overview of access studies from around the country that explain the serious of visitation problems, and recommendations for change. **R118 — 50 pages, \$10.00**

New Release! Written Preliminary Proceedings from NCCR's 1989 Fourth Annual Conference (submitted prior to conference).

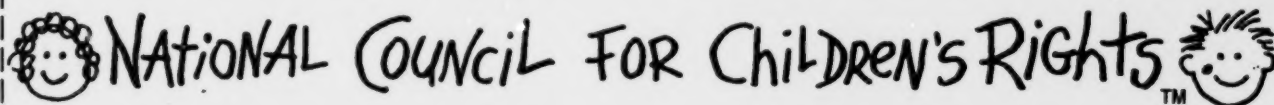
Includes fifteen different reports, including *Psychotherapeutic and Legal Approaches to the Three Types of Parental Alienation Syndrome Families*; *How to Win as a Stepfamily* (Emily Visser, Ph.D. and John Visser, M.D.), (Partial) *Overview of the 1988 Family Support Act*; *Evaluation of Sole and Joint Custody Studies* (John Bauserman, Vice President, NCCR); *An Overview of Access (Visitation) Research* (Anna Keller, Vice President, NCCR); *Visitation Mediation Service, Prince George's County, MD*. **R120 — 30 pages, \$10.00.**

Synopses of Sole and Joint Custody Studies. Synopses of more than 20 studies of sole custody, voluntary joint custody, and court ordered joint custody. Includes national experts such as Wallerstein and Kelly, Joan Berlin Kelly, Marlin S. Potash, Everett G. Pojman, Madona Elaine Bowman, Mel Roman and William Haddad, John Toulaitos and Byron W. Lindholm, Hallowell Pope and Charles W. Mueller, Virginia Shiller, Frederick W. Ilfeld, Holly Ilfeld and John R. Alexander, John W. Santrock and Richard A. Warshak, and Diana Brinton Cowan. **R103A — 68 pages, \$13.60.**



Send all book orders to: NCCR Books, P.O. Box 5568, Friendship Station, Wash., DC 20016. Add \$2 for 1st book, 50¢ each add'l book for shipping and handling. Order other materials from : NCCR, 721 2nd St N.E., Washington, D.C. 20002. Add \$2.00 for 1st item, 50¢ each add'l item. D.C. res. add 6% sales tax. Allow 4-6 wks for delivery.

Please Reprint This in Your Newsletter or Journal



We are proud of your achievements, NCCR! Sign me up as a:

- ☐ member, \$25 ☐ sustaining member, \$50 ☐ sponsor, \$100
☐ life member, \$500 ☐ other \$ _____
☐ I can't join now, but here is my tax-deductible contribution of \$ _____
☐ MC ☐ VISA CC# _____ Exp. date _____

As a member, please send me *Speak Out for Children* (NCCR's Quarterly Newsletter) and the following at NO ADDITIONAL COST:

- "A Child's Right - 2 Parents," Bumper Sticker.
- A gift certificate worth 20% of your contribution. The certificate may be used to obtain any of NCCR's materials, which include written reports, audio/video cassettes, T-shirts, posters, artwork and books. A 16-page catalog will be sent with the certificate. Certificate is valid until August 31, 1990.

I understand that a contribution of \$50 or more entitles me to a free voice cassette — Part 1 of "The Needs of Children of Divorce."

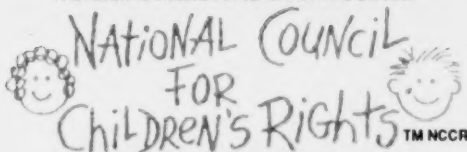
Name _____
Address _____
City/State/Zip _____
Phone (_____) _____

☐ Please do not give my name and address to other organizations.

Call (202) 547-NCCR (6227) to charge, or send completed form to NCCR,
721 2nd Street N.E., Washington, D.C. 20002

Distributed by:

A NON-PROFIT, TAX EXEMPT ORGANIZATIONS STRENGTHENING FAMILIES
AND ASSISTING CHILDREN OF SEPARATION AND DIVORCE



721 2nd Street, N.E.
Washington, D.C. 20002

Address Correction Requested

Non Profit Organization
U.S. Postage
PAID
Washington, D.C.
Permit # 881

SPEAK OUT FOR CHILDREN



The Quarterly Newsletter of The National Council for Children's Rights, Inc.
721 2nd Street N.E., Washington, DC 20002 (202) 547-NCCR

IN THIS ISSUE:

Letters	3
Divorce Disrupts ..	3
Legal Help	4
Bills Pending	6
NCCR Conference Update	8
Senator Bradley's Rule in Support Legislation	10
NCCR Babies	11
In the Courts	12
Supreme Court New	14
Around the Country	15
Wallerstein's Research	16
Custody Reform	17
New Catalog	18

Funding Announced in March

HHS Plans Release of \$1.4 Million for Access Projects

The U.S. Department of Health and Human Services (HHS) has provided \$1.4 million for the access (visitation) demonstration projects previously approved by Congress.

The \$1.4 million funding was announced in early March by Eunice Thomas, acting assistant secretary of the Family Support Administration, a branch of HHS.

HHS officials say the grants could be made as early as this summer.

Although it is not as much money as Congress said could have been provided, NCCR is encouraged, because this is the first time federal funds have ever been provided for access (visitation) enforcement.

The money comes from funds Congress approved last year for extra "research and evaluations" such as "access demonstration" projects to be conducted by HHS.

Federal law requires that the funds be funnelled to the states.

HHS officials have made it clear that they wish to fund only about three state projects. This means about \$400,000 to \$500,000 to each of three states, rather than a great many states each receiving a small amount of funds.

HHS officials do not foreclose the possibility, however, of a larger number of grants, for smaller amounts of money, on the state or local level.

An announcement of grant availability is being publicized to all the states as early as April and May through various sources — the legislatures, governors' offices, child support

offices, and human services offices. This is because the law authorizing these funds permits any of those sources to apply for the grant money.

The law says the money should be used for the "development of systematic procedures for enforcing access provisions of court orders, the establishment of special staffs to deal with and mediate disputes involving access both before and after a court order has been issued, and the dissemination of information to parents."

The winners of the grants will have a maximum of 17 months to carry out their projects.

See Access page 5



Eunice Thomas

SPEAK OUT FOR CHILDREN is published by the National Council for Children's Rights, Inc.

Editors: David L. Levy, Elliott H. Diamond

Contributors: Kenneth Skilling, John Siegmund, Jonathan Israel

About NCCR

The National Council for Children's Rights (NCCR) is a non-profit [IRS 501(c)3] organization, based in Washington, D.C. We are concerned with the healthy development of children of divorced and separated parents. For the child's benefit, we seek means of reducing divorce by strengthening families through divorce and custody reform, minimizing hostilities between parents who are involved in marital disputes, substituting con-

Interns: Alecia Fowler and Jason Dotts, American University Semester in Washington interns for NCCR.

Database Staff: John Prior, Ed Mudrak.

Office Secretary: Veronica Daugherty.

ciliation and mediation for the adversarial approach, assuring a child's access to both parents, and providing equitable child support.

NCCR was founded in 1985 by concerned parents who have more than 40 years collective experience in divorce reform and early childhood education.

Prominent professionals in the fields of religion, law, social work, psychology, child care, education,

The material in this issue is copyrighted by NCCR 1990. However, all material (other than photographs or illustrations) may be reproduced, if attribution is given as follows: "From 'SPEAK OUT FOR CHILDREN,' published by The National Council for Children's Rights."

business and government comprise our Advisory Panel.

For further information about membership, publications, cassettes, catalog, and services, write: NCCR, 721 2nd St. N.E., Washington, D.C. 20002, or call (202) 547-NCCR (6227).

SPEAK OUT FOR CHILDREN is published at least four times a year and is sent free to members. Send letters, comments, and articles for publication to Editor, NCCR.

OFFICERS:

David L. Levy, Esq. President
Anna Keller, Vice President
John L. Bauserman, VP/Treasurer
Ellen Dublin Levy, Secretary

GENERAL COUNSEL:

Michael L. Oddenino,
Arcadia, California

DIR. OF INFORMATION SERVICES:

John F. Prior,
Rockville, Maryland

ADVISORY PANEL:

Rabbi Mendel Abrams, D. Min.
former President, Board of Rabbis
of Greater Washington, D.C.

Honorable John Amari
State Senate, Alabama

Daphne Bauer
Divorce Mediator

Sheila Brayman, former President
Mothers Without Custody

Sam Brunelli, Executive Director
American Legislative Exchange Council

The Reverend Eugene S. Callender
Commissioner for the New York State
Office for the Aging

Ellen Canackos, Esq.

Jane Charnas, D.S.W., L.C.S.W., A.C.S.W.,
Associated Mental Health Professionals

Jim Cook, President
The Joint Custody Association

Norman Cousins
UCLA School of Medicine

"Dear Abby"
(Abigail Van Buren)

Honorable Dennis DeConcini
U.S. Senator, Arizona

Karen DeCrow
former President of N.O.W.

Elliott H. Diamond,
Co-Founder, N.C.C.R.

Honorable David Durenberger
U.S. Senate, Minnesota

Meyer Elkin, Co-Founder
Association of Family & Conciliation Courts

Warren Farrell, Ph.D., Author,
former Member of the Board of
Directors New York City N.O.W.

Doris Jones Freed, Esq., Co-Chair
New York State Bar Association Family Law
Section's Custody Committee

Larry Gaughan, Law Professor,
Professional Director, Family Mediation
of Greater Washington, D.C.

Herb Goldberg, Ph.D., Author, Professor
of Psychology, California State University

Ronald T. Haskins, Ph.D., Associate
Director, Bush Institute for Child and
Family Policy, U of NC

Honorable Phil Hoff
Former Vermont Governor

Joan Berlin Kelly, Ph.D.,
Executive Director
Northern California Mediation Center

James Levine, The Fatherhood Project,
The Bank Street College of Education

Honorable Fred Lovegrove
State Senate, Connecticut

Dr. Carl H. Mau, Jr.
General Secretary
Lutheran World Federation
(1974-85)

Honorable Fox McKeithen
Secretary of State, Louisiana

Honorable Jack Metcalf
State Senate, Washington

John Money, Ph.D., Professor of Medical Psychology and
Pediatrics
Johns Hopkins University and Hospital

Honorable Velmanette Montgomery
State Senate, New York

Honorable Mac Parsons
State Senate, Alabama

Mel Roman, Ph.D., Professor,
Director, Group and Family Studies
Department of Psychiatry
Albert Einstein College of Medicine

Sue Klavans Simring
Co-Director Family Solutions
The Center of Divorce and Custody Consultation

Honorable Debbie Stabenow, Chair
Mental Health Committee
House of Representatives, Michigan

Carol Stack, Ph.D., Director, Center for the Study of the
Family and the State
Duke University

Nick Stinnett, Ph.D.,
Department of Human Development and Family Life
University of Alabama

Typesetting and design by NextStep
Publications, 1485 3rd, Astoria, OR 97103



Check it
out!

Advertise in SPEAK OUT FOR CHILDREN

NCCR's quarterly newsletter.

For a rate card, write: NCCR Ads, NextStep Publications
1485 3rd, Astoria, OR 97103
Or call (503) 325-8828

Letters to the Editor

Non-paying fathers

Mr. Victor Smith sent a letter to the NBC "Today Show," objecting to their having NCCR President David Levy interviewed on a segment dealing with child support on December 19, 1989. The segment was hosted by Jane Pauley. Mr. Smith sent NCCR a copy of the letter. The following is an excerpt.

"David Levy does not serve as a spokesman for fathers. The group that he represents is a children's group, and 'fathers' are not the main focus. The program missed an opportunity to allow fathers to speak for themselves.

"Many fathers included in the statistics do not pay, because they are not able to pay...Fathers who are in prisons cannot pay child support, but are found in the non-paying statistics. Also fathers who are in the hospital, or laid off due to medical problems, or those who may be involved in a labor dispute have little control over making the required child support payment. Some fathers are counted among the homeless, and cannot pay. Therefore, just addressing the fact that some percentage of fathers don't pay without going into why they don't pay is misleading. Please do not assume that all fathers are always capable of paying all of the time."

Victor Smith, President
Dads Against Discrimination
Oregon

Editor's Note: Mr. Smith claims NCCR is not a fathers' group. He is correct. Some women's groups apparently think NCCR is a fathers' group, but leaders of several fathers' groups in different parts of the country (including Mr. Smith) have accused NCCR of being a women's group or a children's group.

Getting attacked from both sides helps assure us that we are going right down the middle — on behalf of children.

And that is where we are most comfortable.

On the other hand, we agree with Mr. Smith's basic contention that statistics published by the government are faulty. We have made that point in this newsletter many times (and we said it on the "Today Show").

In the segment on the "Today Show," which lasted only about five minutes, there was only time to make one or two quick points. Aside from questioning the government's statistics, we plugged for more government attention to access.

NCCR is getting an increasing number of calls from the media. In the past few months, NCCR officials have appeared on such shows as the "Oprah Winfrey Show," "Inside Edition," "Financial News Network," "Cable NBC," and have supplied information and references to many other media. Developing credibility with the media will help get across the ideas NCCR and our supporters believe in.

Resources Needed for Custody

Editor:

The reasons I was awarded equal physical custody of my son, Ben, age 9, were because of my strong bond with him, my tenacity, and the information and support I received from the National Council for Children's Rights.

The information that was particularly helpful was in the newsletter *Speak Out for Children*, and Reports L102A (the legal briefs supporting "Joint Custody as a Child's Constitutional Right"), R106 ("Joint Custody Model Agreements"), and R108 ("60 Rapid Fire Points in Favor of Joint Custody").

My son is a wonderful kid, and he deserves to be treated fairly by the courts, so that he can have access to both of his parents. I want to help assure protections not only for him and his generation, but for his kids and the next generation.

I thank NCCR for being there. I hope to be able to help someday, even more than I have been helped.

Michael Justice,
Keene, New Hampshire

Divorce Disrupts More than Alcohol or Drugs

Divorce and other marital problems — not alcohol or drug abuse — are the biggest workplace burdens on productivity, according to a survey of Ohio small businesses, conducted by the Ohio Psychological Association (OPA). Additionally, OPA released recommendations to help businesses deal with personal or emotional problems in the workplace.

"The survey shows that small businesses in Ohio realize that personal problems threaten productivity in the workplace," says Dr. Terry Imar from Columbus.

The survey of 35 small business executives reported that 22 executives say that divorce and other marital problems have a "very negative" impact on workplace productivity, whereas only one-third report a loss of productivity because of substance abuse.

OPA made three recommendations for helping small businesses:

- establish an employee assistance program (EAP).
- appoint an in-house "resource person."
- provide employees with information on where to get assistance for personal or emotional problems.

Adapted from *Behavior Today*, Vol 21, No. 8, February 19, 1990. *Behavior Today* is published by AT-COM Inc., 2315 Broadway, New York, New York, 10024, 1-800-521-7004 (outside NYS), (202) 873-5900 (in NYS).

Contact Ohio Psychological Association, 400 E. Town Street, Suite 20, Columbus, OH 43215, (614) 224-0034.

NCCR comment: This would be a good opportunity for an NCCR chapter to help both employees and employers.

Be a link between companies and mental health organizations, to help set up employees assistance programs.

Legal Help

NCCR has filed *amicus curiae* (Friend of the Court) briefs in several state appeal court cases. We have won cases in New Jersey, where a law was upheld permitting a judge to reverse custody in a case where a parent planned to take the child permanently from the state, in Wisconsin, in upholding a child's right regarding paternity (see elsewhere in this issue), and in Ohio, upholding a joint custody agreement previously reached in another state.

Also, NCCR and the Greater Washington Area Chapter of the Women's Division of the National Bar Association ("GWAC") won a case in Washington, D.C., where the D.C. child support guideline was overturned (see Winter 1989-90 issue), because the appeals court said, "the trial court has failed to determine either net income or the child's needs."

Do you need legal help in a case? Is the case (or will it be) on appeal? Does the case have broad applicability? If the answer to these questions is yes, contact NCCR.

To increase your chances of winning on appeal, make certain that all constitutional arguments are raised in the lower court.

Legal arguments appear in NCCR Report No. L102A ("Joint Custody as a Child's Constitutional Right").

If a mental health professional or other expert has made a finding or statement that is helpful, let us know.

An *amicus curiae* brief is not the main brief in the case filed by you or your attorney; it is an extra brief filed by NCCR to draw the court's attention to the importance of this case, and its effect on children's rights.

Attorneys for NCCR are interested in handling these cases on a reasonable fee basis. We can only consider cases which are on appeal.

Hilary Foretich Found

Hilary Foretich, 7, who had been missing for two and a half years, was found in New Zealand in February, 1990, with her maternal grandparents, William and Antonia Morgan.

Previously, the girl's mother, Dr. Elizabeth Morgan, had refused to allow court-ordered visitation to the girl's father, Dr. Eric Foretich. Elizabeth Morgan had gone to jail for more than two years rather than reveal the girl's whereabouts. Congress passed a law limiting jail terms to civil contempt in the District of Columbia to one year, and Elizabeth Morgan was freed in late 1989.

A tip to the D.C. police about the girl's possible whereabouts and extensive detective work by Eric Foretich, Hilary's father, led to finding Hilary.

The girl and her maternal grandparents had lived for a time in Plymouth, England, and then moved to Christchurch, New Zealand.

Both Elizabeth Morgan and Eric Foretich went to New Zealand to see Hilary. Foretich had court-supervised visitation in March, and then he returned to the U.S.

The Washington Times, followed by the *Washington Post*, have reported substantial new developments on the Morgan-Foretich case in the past few months.

Sexual Abuse Alleged

Some of their published reports:

- Last year, police prepared a warrant for Dr. Morgan's arrest on a charge of child pornography. Fourteen photographs taken by Dr. Morgan showed Hilary with crayons and a small spoon inserted in her vagina.

Dr. Morgan said that a police detective advised her to take the photographs to illustrate allegations of abuse committed by Dr. Foretich. The detective denied giving such advice.

Dr. Morgan had run out of film while taking the photographs, so she went to her office to get a second camera, in order to keep taking pictures.

- Dr. Morgan had accused the

former president of the American Psychiatric Association, Dr. Elissa Benedek, of sexually abusing Hilary in the course of court-ordered examinations.

Dr. Morgan also accused Dr. Foretich's parents, who were over 70 at the time, and others of similar sexual abuse. All of the accused deny the charges.

Dr. Benedek says that Dr. Morgan, whom she had examined at length, suffers from "a mixed personality disorder" and experienced a "very disturbing relationship" with her own father, William, now 79, a professed "counterespionage expert" who once threatened to kill Dr. Morgan with a golf club and to shoot a man she was dating.

The Washington Times also reported that the testimony of the three health care professionals who made a finding of sexual abuse, Dennis M. Harrison, child psychologist, Charles I. Shuban, a doctor, and Mary Froning, a child psychologist, have come under criticism from a variety of sources.

The Washington Post reported that New Zealand is a haven in foreign custody disputes, for parties seeking to thwart custody orders in the U.S. New Zealand is not a party to the Hague Convention, which is aimed at reducing foreign "forum shopping" in domestic relations cases.

Morgan had said that she plans to move to New Zealand and resume her practice as a plastic surgeon. She said she would allow supervised visits for Hilary with Foretich in New Zealand. Observers expect New Zealand to give her custody of Hilary.

Morgan had sent Hilary into hiding when a Washington, D.C. judge, Herbert Dixon, finding that the evidence of whether Foretich committed abuse to be in "equipoise" (50-50 chance that he had committed abuse) ordered two weeks of unsupervised visitation of the child with him.



Hilary Foretich

Access

Continued from page 1.

Contracting Out

States sometimes contract out part or all of a grant. Thus, it is possible that qualified groups within a state could be provided grant money to do such things as: hire staff to handle access complaints, write and print flyers informing parents of their obligations and rights regarding access, and develop an "800" number where parents could obtain information and referrals about access.

If your group has operated a grant in the past, this could establish your group's credibility to handle a grant now.

We suggest you contact a state agency, to determine their interest in applying for a grant, and contracting out to your group a portion of any grant that may be received.

You should also contact one of your U.S. Senators or Representative in Congress from your state, to inform them that your organization wants to work with a state agency on this project. Members of Congress are always interested in possible grant money flowing into their states.

If you do apply for a grant, make your expectations realistic. Handling an "800" number or writing a flyer, though difficult, will be much easier than hiring staff.

HHS officials invited NCCR and other groups to a meeting at the HHS offices in Washington, D.C. on March 16, to review the procedures by which states could apply for the funds, and grants could be partially contracted out.

NCCR President David L. Levy attended the meeting. Also present were Ron Henry, a Washington partner in the Texas-based law firm of Baker and Botts, who has done pro bono work for NCCR, and Dick Woods, president of the National Congress for Men. At NCCR's request, Roberta Weilgus and Sharon May, two leaders of Mothers Without Custody (MW/OC), a national, Texas-based organization, also attended the meeting. HHS also invited representatives of several other groups.

These organizations discussed how the grants could be used most effectively to help resolve both interstate and intrastate cases.

Michigan and most recently Texas, are the only states that currently have state-wide programs for administrative (not just judicial) resolution of access complaints. Individual counties in Maryland, Texas, and Arizona also have programs to help resolve access disputes.

HHS officials indicated they will be looking for innovative approaches — so long as the intent of Congress, as stated above, is carried out.

Grant Review Committee

HHS is also accepting nominations for a grant review committee. This is a committee to be made up of several individuals from around the country who will evaluate the grant applications from the states and prepare them in rank order for HHS to consider.

If you wish to be considered for the grant review committee, write to NCCR, and we can submit your name. You should not be part of a group that will apply for any subcontracting with a state.

NCCR and other groups have been invited to make their mailing lists available to HHS to mail information about the grant availability. The organizations which are part of the 4,900 names in NCCR's database will be provided for this one-time use by HHS.

In 1992, Congress requires HHS to evaluate the success of the access programs. Each state that wins a grant will be asked to allocate part of its funds to pay for the evaluation. The evaluation (by an independent contractor to be hired by HHS) will measure the effectiveness of the projects in

- decreasing the time required for the resolution of disputes related to child access;
 - reducing litigation relating to access disputes, and;
 - improving compliance with court-ordered child support payments.
- Congress had originally authorized \$8 million for access projects for

1990-91, with a maximum of \$4 million for each of those two years. Although only \$1.4 million is being provided this year, Congress can fund up to \$4 million for next year, as well.

NCCR is expected to present testimony to House and Senate Congressional committees within the next several weeks asking for the full funding of the \$4 million for next year.

NCCR is credited by knowledgeable Capitol Hill sources as the group primarily responsible for convincing Congress to authorize the access projects. NCCR also got Congress to use the word "access" in the law, rather than just "visitation," because non-custodial parents are not mere visitors in their children's lives, and access also focuses on the child's rights.

50 Most Wanted

In our last newsletter, NCCR said it would publish the names of the "50 Most Wanted" violators of access (visitation) orders.

This matter has been discussed further by the NCCR Board and the NCCR Steering Committee, made up of presidents of the various state chapters of NCCR. There was little consensus that publishing names of the most wanted violators would lead to a resolution of visitation problems.

No consensus has emerged about how best to handle this matter, so we appeal to our readers. How best can we focus more public attention on the right of a child of access to two parents, and members of the extended family?

What are the best remedies? Please send your suggestions to NCCR.

See page 8 for information on this year's NCCR Conference! Start planning now!

Bills Pending in Congress

Domestic Violence Bill and Resolution

The Congressional Resolution (H. Con. Res. 172) which would send a signal to the states to lower the standard of evidence in state courts



Congresswoman Schroeder

for domestic violence is still pending in the House of Representatives.

We have found that the Resolution has also been inserted into the women's economic equity bill, H.R. 3085, sponsored by Congresswoman Patricia Schroeder (D-CO), and various other Congress members. The Resolution is Subtitle E — Sense of Congress on Child Custody, on page 123 of the bill.

If either H.R. 3085 or H. Con. Res. 172 are passed by Congress, NCCR believes the action would send a signal to the states that could adversely affect joint custody and mediation.

An Action Alert we sent to all NCCR supporters in January said:

"Joint custody rights of non-custodial parents are again under attack!

"A joint resolution was introduced in Congress by Congresswoman Connie Morella (R-MD) and Congressman George Miller (D-CA) that could significantly weaken joint custody.

"The Resolution calls for a lowering of the standard of evidence in courts to prove child or spousal abuse.

"This could be a powerful tool for vindictive custodial parents to wrench custody and access (visitation) rights away from non-custodial parents.

"Allegations of child or spousal abuse would not have to be sup-

ported by credible, proven abuse. 'Any lie will do,' says NCCR General Counsel Michael L. Oddenino.

"The practical impact of this Resolution is that it would send a powerful signal to the states to change existing laws to this new lowered standard of evidence.

"This resolution is also designed to weaken support for mandatory mediation. This again sends a clear and unmistakable message to state agencies and state legislatures to oppose the establishment of new mediation programs."

We thank everyone who has contacted their Congressmembers about this Resolution. Please write and phone members of the House of Representatives urging amendment of both H. Con. Res. 172 and H.R. 3085.

It is not the size of the communications sent to Congress, but the number of contacts that are made. Six short letters from you and your friends count for more than one long letter.

International Parental Child Abduction Bill

A bill introduced in the Senate by Sen. Alan Dixon (D-IL) to make international parental child abduction a federal criminal offense, is expected to be favorably amended, thanks to friends of NCCR.

Sens. Dennis DeConcini (D-AZ) and Charles Grassley (R-IA), alerted to problems with the bill, proposed an amendment. Both DeConcini and Grassley are members of the Senate Judiciary Committee, which is considering the bill.

The bill (S. 185) would make it a crime to conceal or detain a child out-



Sen. DeConcini

side the U.S. "without the consent of the person who has been granted sole or joint custody, care, or possession of the child."

NCCR was concerned about the lack of balance of the bill, and this is what also concerned Sens. DeConcini and Grassley. That is, if the non-custodial parent concealed or detained the child outside the U.S., it would be a crime, but not if the custodial parent did so.

NCCR believes that a child should be protected from parental kidnapping regardless of which parent commits the act.

Seven states in the U.S. — California, Iowa, Michigan, Nevada, South Dakota, Utah, and Wisconsin — make kidnapping by either parent a crime. The other 43 states, to our knowledge, only treat kidnapping by the non-custodial parent as a crime.

NCCR urged that a phrase be added to the bill to state that child abduction includes concealing or detaining a child outside the U.S. "without the consent of the person who has been granted access (visitation)."

If this clause is not added, the parent or grandparent with access (visitation) rights would probably have to go to the foreign country to exercise such rights.

We are very hopeful that the clause will be added to the bill.

The U.S. is already a party to the Hague Convention on International Child Abduction, which says that if a parent has custody, and the other parent takes the child permanently to a country that is a party to the convention, that country must return the child to the nation of "habitual residence." There is nothing in the Hague Convention or Senator Dixon's bill that would require the child to be returned to the country of "habitual visitation" during periods of court-ordered visitation.

Adding this clause will provide balance to the bill.

S. 185 also lists certain affirmative defenses, which include (1) acting

Continued on next page

Access Research Grant Approved

The Center for Policy Research (CPR) in Denver, one of the major research organizations in the U.S. on domestic policy, has received a grant to study Visitation Enforcement Programs around the country.

Jessica Pearson, Ph.D., of the CPR, said she believed the grant is a direct result of Congress's "pioneering" interest in access (visitation), expressed in Congress's funding of access demonstration projects (see front page article in this newsletter).

The CPR received the grant from the State Justice Institute, in Alexandria, Virginia. The Institute is a private non-profit corporation established by Congress in 1984 to assist in improving the administration and quality of justice in state courts. Congress funds the Institute, and this year has provided it with just under \$12 million in federal funds.

CPR's abstract describing the proposed evaluation says in part,

"Despite attempts to legally separate the issues of child support and visitation, most experts agree that the topics are inextricably linked in the eyes of many par-

ents. Patterns of actual withholding often result in the denial of visitation due to delinquent child support payments or the withholding of support due to perceived interference with visitation. While child support enforcement has received considerable attention...many fathers contend that too little attention has been paid to visitation enforcement.

"Pioneer efforts to enforce visitation and resolve visitation problems have begun in several states and more programs are sure to develop if funding is allotted to the visitation demonstration projects (it has been). To date these pioneer efforts have not been systematically evaluated, so little is known about the relative advantages and disadvantages of their very different approaches.

"...the study would begin with a national survey of courts and state level child support agencies to identify relevant programs. Three exemplary programs with somewhat different approaches will be

selected for more detailed study. Possible project sites might include the Friend of the Court's Visitation Complaint Program in Detroit, Michigan, the Judicial Supervision Program of the Superior Court of Maricopa County in Phoenix, Arizona, and the Diversion Program of the Family Law Department of the Los Angeles Superior Court.

In Detroit, visitation complaints are handled through interventions of increasing labor intensity: progressing from phone calls to mediation to court interventions. In Phoenix, visitation problems are handled through an expedited hearing program with later visitation supervision. Los Angeles employs an educational approach with group meetings."

The study will include analysis, review of case files, and interviews. Ms. Pearson said she expects the research to be concluded by March, 1991, and a report to be issued within three or four months thereafter.

Bills Pending

Continued from page 6.

within the provisions of a valid court order granting the defendant legal custody or visitation rights; and (2) fleeing an incidence or pattern of domestic violence.

NCCR is against parental kidnapping, but we are concerned that the bill will also:

1. federally over-criminalize the domestic relations area, and;
2. will encourage a parent to flee to another country rather than prove in the U.S. that the "incidence" or pattern of domestic violence existed.

(For further information on parental kidnapping, order NCCR Report #107).

Parental Leave Act Still Pending

The Family and Medical Leave Act, which has passed House and

Senate committees, has apparently not had enough support to come to a full vote in the House or Senate. But its supporters may bring it to a full House and Senate vote soon.

The bill would guarantee 10 weeks of unpaid leave over a two-year period for the birth of a child, newly adopted child, seriously ill child, or to care for an elderly parent.

Medical leave is also provided for one's own serious illness.

The House would apply the bill to employers of 50 or more people; after three years, the bill would apply to employees of 35 or more people. The Senate version would apply the provisions to employers of 20 or more people.

NCCR intern Alecia Fowler has gone to several meetings on Capitol Hill during the past few months designed to generate support for the bill.

Ms. Fowler says "this bill needs more grass-roots support from around the country if it is to pass. Bonding

between parents and children would be enhanced if you knew you wouldn't lose your job because you had to take care of your child."

If you support this bill, write to to your House members, urging support. Ask them to support H.R. 770 or S. 345.

Day Care, Which Bill?

Congress recently considered two different approaches to federal child care legislation. One was the Stenholm/Shaw family choice and child care improvement act, H.R. 4294. This approach would guarantee to any parent who receives child care assistance from the federal government the right to choose who cares for the child, including the right to choose grandparents, neighbors, private sector or religious

Continued on page 14

SPEAK OUT FOR CHILDREN Spring 1990 7

Start Planning Now for a Great Conference!

NCCR's Fifth Annual Conference!

NCCR will hold its fifth annual conference October 18-21, 1990. The theme of the conference is "An Agenda for Children of the Nineties."

The conference will be at the Ramada Hotel at the Ballston Metro Stop in Arlington, Virginia. The hotel is about a 10 minute subway ride to Washington, D.C., and about a 20 minute subway ride to National Airport.

The conference will feature speakers on child sexual abuse, criminology, prevention of problems for children, mediation, and a variety of workshops. There will also be a banquet, bookfair, film theatre, and award presentations.

Four new features of the conference this year:

- a longer conference. The conference will start Thursday, October 18, at 6:00 p.m. We urge everyone to come to Washington Thursday morning or afternoon.
- a "book and author" luncheon on Friday, October 19, at 12:00 noon. All the authors whose books are offered for sale in NCCR's "Catalog of Resources" are being invited to the luncheon. Conference attendees will also attend the luncheon. Come and meet the authors!
- a reception Friday evening, October 19, at which conference attendees and representatives of many organizations which are strongly involved in developing family policy in the nation's capital, can meet each other.
- a dance on Saturday night, after the banquet.

Free Chance

Every attendee at the conference will receive a free chance for a work of art, valued in excess of \$250, to be raffled at the conference. The work of art will feature children.

NCCR has contracted with a travel bureau to offer the lowest pos-

sible plane fares to conference attendees.

Air travel will be available at the lowest possible rates. (See story below.)

About 30,000 conference flyers will be mailed out, beginning in early June. If you are on NCCR's mailing list, you will receive a flyer.

If you know of any groups who would like to receive flyers, please let us know.

Plan on attending the conference — learning, listening, talking — and having a fun time!

Awards Time Again

At the conference, NCCR will present its fourth annual Chief Justice Warren E. Burger awards for "healers" among lawyers, judges and others, and its fourth annual Media Awards for the best and worst treatment of children of separation and divorce in the media or advertising.

A "healer" might be a judge who takes the lead in promoting joint custody (cooperative parenting), a pre-court trial service which fosters mediation, an attorney who goes out of his way to promote a child's access to two parents and other who have bonded with the child.

For media awards, possible contenders are:

- best and worst treatment of children and parents of divorce in an advertisement or TV show;
- best and worst media coverage of a county agency that helps children of divorce with programs for teenage mothers or fathers;
- best and worst TV series on abuse and false abuse charges.

Please submit the following regarding your nominations:

1. The name, address and phone number of your nominee.
2. A brief explanation (100 words or less) as to why the nominee should be cited. Give us the facts.
3. Enclose any documentation

(newspaper article, date, place and name of TV station, corroboration from other affected persons) that may be available.

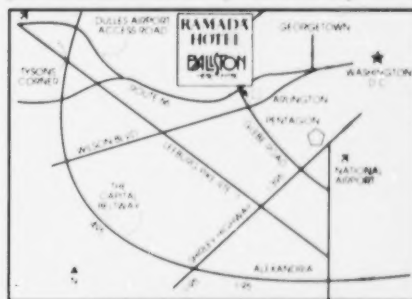
For "healer" awards please send nominations to:

Carla A. Goodwin, M.Ed.
Certified Ed. Psychologist
920 Washington Street
South Easton, MA 02375

For media and advertiser nominees, send nominations to NCCR, Attn: Media Awards, 721 2nd Street N.E., Washington, D.C. 20002.

The 1990 winners will be named at a press conference at our NCCR conference Friday, October 19 at 10:00 a.m.

The winner does not have to be present to be selected. Please send us your nominations by Labor Day.



Map of Conference Location

Discounts on Air Travel

For specially discounted airfares to NCCR's Fifth Annual conference, call Bowen Travel, at 1-800-330-2169. Bowen Travel is handling air accommodations for NCCR across the country. The airport closest to the conference site is Washington's National Airport. Metro (subway) is available directly from the airport to the conference. Book as early as possible as best fares go quickly. Fly to Washington Thursday morning or afternoon, October 18, and leave Sunday afternoon, October 21, so you can attend all conference events — and see the sights of Washington, too!

NCCR Association News

Volunteers Needed

NCCR needs assistance in the following areas:

— in Washington:

- responding to inquiries in our Capitol Hill Office.
- helping with advocacy on Capitol Hill.

— from anywhere in the country:

- screening Media Awards nominees.
- contacting foundations and corporations for funding.
- helping to form a Political Action Committee.
- help with statistical methods for meta-analysis.

Directory of Organizations

NCCR still has some copies remaining of its first "Directory of Organizations." This Directory lists more than 1,200 organizations involved in custody reform, mediation, and family assistance. The Directory is very useful for making referrals around the country, and abroad. For copies of the first edition, send \$3 to NCCR.

Although the second edition of the Directory will be available (for \$7) in June, this first edition can be very helpful for the time being to individuals and groups.

NCCR's New Flyer

NCCR has a new flyer. This four-sided fold-out tells people in a nutshell what NCCR is all about. It also has space where your group can stamp its name and address under the heading "distributed by." The flyer contains three photos (one of which is a child), and is in two colors (blue and white).

This flyer is excellent for distribution to your group's members, local support groups, or to leave in courthouses where domestic relations cases are heard. It can also be distributed in offices of mental health professionals and mediators.

How many flyers would you like? 25? 50? 100? Contact NCCR for free

copies, although if you would consider a small contribution to help with printing, shipping and handling, it would be appreciated.

NCCR Chapters

NCCR has chapters in several states, and is forming more chapters. We are pleased to report the first chapter affiliation with NCCR by a mediation group, Family Mediation of Greater Washington, D.C.

Chapters exist in the following states:

New Jersey

New Jersey Council for Children's Rights (NJCCR)
P.O. Box 615
Wayne, NJ 07474
(201) 694-9323
Bruce Gillman, president

Ohio

Coalition of Parental Rights Associations (CAPRA)
227 S. Roanoke Avenue
Youngstown, OH 44515
(216) 799-9787
Andy Cvercko, president

Vermont

Vermonters for Strong Families
Box 312
Waterbury, VT 05676
(802) 223-0873
Fred Tuob, president

Virginia

Fathers United for Equal Right's and Women's Coalition
P.O. Box 1323
Arlington, VA 22210
(703) 451-8580
Paul Robinson, president

Family Mediation of Greater Washington (located in Virginia), headed by Larry Gaughan, attorney and mediator.

Chapters in Formation:

Florida - Barbara Walker-Seaman,
(407) 365-7812

Texas - Jimmy Boyd (512) 397-8999

Kansas - Ken Neet (913) 287-3680

Illinois - Craig Steichen (312) 289-7556

Pennsylvania - Gary Onuschak (215) 776-4194

Connecticut - Max Gregorich (203) 452-9624, Pat D'Angelo, 1-800-647-1212, and Paul Kirchmeier, (203) 749-4037.

If you live in a state with a chapter, we urge you to join the chapter. Support the efforts at reform in your state — as well as nationally. By becoming a member of the chapter, you also become a member of National NCCR.

If you would like information about whether there is a chapter in formation in your state, or if you would like to form a chapter in your state or community, write to NCCR for information.

Benefits of chapter affiliation

1. Become stronger by being part of a group (NCCR) that has met with successes in court cases, Congress, and state and local legislatures.

2. Have national NCCR help your group grow and become more effective.

3. Get discounts on materials, conference attendance, and other benefits for you and members of your group.

4. Have a representative voice in Washington. Change moves in waves across this country. What happens in Washington affects your state; what happens on one coast affects the other.

5. Obtain referrals to your chapter that national NCCR receives from the media, government officials, and potential members.

6. Become part of NCCR Steering Committee. This advisory committee, which consists of the presidents of each of the state chapters, has already held two interstate conference calls over the telephone with NCCR leaders in Washington, and additional conference calls are planned. The calls consider national and state issues, and policies and practices for NCCR.

SPEAK OUT FOR CHILDREN Spring 1990 9

Senator Bradley Unfair on Issues

Bruce Gillman, president of NCCR's affiliate chapter in New Jersey, has asked us what role Senator Bill Bradley (D-NJ) has played in federal child support policy. His role, we can report, is substantial, and not at all balanced.

Senator Bradley has had a major role in three areas:

1. Prohibiting of retroactive modification.

During the 1985-86 Congressional session, he was responsible for Congress passing a provision, with no hearings, as a rider onto another bill, P.L. 99-509, which totally prohibited state judges from retroactively modifying back child support — that is, they can't reduce what you owed in the past — they can only change what you will owe in the future.

If, as NCCR has testified several times before Congressional committees, that bill had created a rebuttable presumption against retroactive modification, that would have been reasonable. But an outright ban reduces judges to automatons and creates incredible hardship.

We know of a case where a woman had received support, and then the couple resumed living together, with the man supporting the family. Later, there was a second separation, and the woman demanded and got \$4,000 in child support for the time when the couple was living together, because of that original support order. The father had to pay twice for the same period of time. The judge was powerless, thanks to Bradley's law, to say, "I'm not going to order child support in this case because you already paid, and it would be unfair to make you pay again! Would anyone want to pay twice for the same thing?"

In another instance, there was a support order, and later, there was an informal exchange of custody, with the child going to the mother. A year later, the father applied for and received \$1,500 support, for the time when the child was living with the mother. He didn't have the child, but he collected



Senator Bill Bradley

support. A simple change in Bradley's law — to "rebuttable presumption" against retroactive modification, would serve Congress's intent, without causing unfairness in particular cases.

2. Blocking Interstate Access (Visitation) Commission.

On June 16, 1988, when Sens. David Durenberger (R-MN) and Charles Grassley (R-IA) introduced an amendment to the Family Support Act to require that there be a Commission to Study the interstate aspects of access (visitation), Sen. Bradley deftly killed that commission behind the scenes.

The Family Support Act already required an interstate commission to study child support issues, and at first, Sens. Durenberger and Grassley sought to expand that commission to include access (visitation), but Bradley objected, apparently because he did not want a dilution of that financial child support commission to consider non-financial issues.

On June 16, Sens. Durenberger and Grassley sought to create a separate commission to study access issues, but again, Sen. Bradley objected, because the commission might cost money, so the amendment had to be dropped from the Family Support Act. You will not find anything in the Congressional Record about this, but

knowledgeable Capitol Hill observers know it was Bradley, with the approval of the floor manager of the bill, Senator Patrick Moynihan of New York, who killed this commission.

3. Requiring Wage Withholding of all new Child Support Orders.

Sen. Bradley was largely responsible for there being an amendment in the Family Support Act to require that all new child support orders be subject to wage withholding starting in January 1, 1994. The Senate had considered dropping this requirement, because of unresolved questions over the multi-billion dollar federal and state costs involved, but Bradley, armed with letters from Child Support officials and activist organizations, including the Women's Legal Defense Fund, prevailed in getting the amendment back into the bill.

Federal law already required withholding from paychecks in an obligor who was 30 days in arrears. The new requirement was for withholding on all new orders regardless of whether the obligor was likely to be responsible or not, and regardless of the effect on small businesses, seasonal workers, or child support orders which create variations in payments during the summer months.

NCCR believes Senator Bradley has not recognized the need for good parenting of children (involved in access), and has not recognized the need for balance in family law legislation.

NCCR asked Sen. Bradley for his response to the above issues. Jim Foti of his Washington office expressed appreciation for the opportunity by the Senator to respond, but we had not received the response by press time. We expect to carry Sen. Bradley's response in our next issue.

The Liberator

Mens Unity News Magazine

"A factual news" magazine of men's equality now." (M.E.N. International Coalition.) Articles on crime/punishment, domestic relations, and general interests. Published by Men's Rights Association, Rt 6, Forest Lake, MN 55025-8854. Subscription: \$20/yr.

NCCR's Babies

Three people very active in NCCR have become proud parents within the past few months. They are Anna Keller, Mike Oddenino, and Ron Henry.

NCCR Vice President Anna Keller, and NCCR General Counsel Mike Oddenino's wife Colleen, both had the same due dates, and gave birth on the same day, at opposite ends of the country — Anna in Arlington, Virginia, and Colleen in Los Angeles.

Anna's husband is Dan Gold. Dan has two children by previous marriages. The new baby's name is Julian Gold.

The Oddenino baby is named Alexandra Jené. Mike has two children by a previous marriage; this is his second child by the current marriage.

Ron Henry, a Washington, D.C. partner in the Texas-based

law firm of Baker and Botts, who does pro bono work for NCCR, became a dad again when his wife Connie gave birth to the Henry's third girl March 13. She is named Kristin Danielle.

All the families are doing fine!



Left to Right: The Keller baby, the Oddenino baby, and the Henry's baby.

Conference Announcements

Association of Family and Conciliation Courts

The Association of Family and Conciliation Courts (AFCC) will hold its midwest regional conference in Kansas City, Missouri on September 26-28, 1990. For information, contact Carol Roeder-Esser, Johnson City Mental Health Center, 6000 Lamar (Suite 130), Mission, KS 66202. NCCR President David L. Levy will be a speaker at the conference.

Academy of Family Mediators

The 7th annual conference of the Academy of Family Mediators (AFM) will be held July 22-28, 1990 at the Sheraton Tara Resort and Conference Center in Danvers, Mass. The theme of the conference is "Expanding Family Mediation? Technique and Beyond." The conference will feature an international mediation forum. For information, contact the Academy of Family Mediators, P.O. Box 10501, Eugene, Oregon 97440, or call (503) 345-1205. NCCR President David L. Levy will be a presenter at the conference.

Thanks for Contributing!

We wish to thank those who have joined, renewed their membership or ordered materials from NCCR from September 1989 through November 1989 (does not include conference attendees). * Denotes life member of NCCR (contributions totalling \$500 or more)

Baber, Asa
Becker, Steven
Bergenthal, William
Brown, Charles
Burrows, Bruce
Butler, Aza
Carbone, Ernest
Carrigan, Dan
Charnas, Jane
Collins, Robert
Davis, Catherine
DeMarea, Barbara
* Diamond, Elliott
Dinn, David
Elkin, Meyer
Fielding, Byron
Friedman, Michael
Gill, John
Goeman, Jane
Goldstein, Robert
Goncorova, Susan
Hackett, Sylvia

Harper, Addie
Harries, Thomas
Heilmann, Ronald
Hutzler, R
Jamieson, Ernest
Johnson, Rudy
Kelly, Chris
Kimbrough, Reid
Krammer, Barry
Kuckes, Walter
Lansky, Vicki
Lebowitz, Marcia
Logan, Ralph
Lorenz, John
Marks, Carol
Maul, Carl
Miller, August
Moyer, Jim
Neille, Robert
Nissenson, Marc
O'Brien, Brian
Panza, Lawrence

Pate, James
Plotkin Blum, Lori
Robinson, Ronald
Rutherford, John
Scarfe, David
Schultz, Brad
Siegmund, John
Slater, Thomas
Smith, Reitte
Snead, Selvin
Statum, Nancy
Stewart, Chuck
Stewart, Kenneth
Tamarelle, George
* Toto, William
Tubbs, Fred
Twombly, Larry
Wallace, Shirley
White, Charles
Wilkins, Donald
Willis, Beverly
Wisch, Patricia

In the State Courts

Fraud Applies in Child Abduction

A Connecticut trial court has ruled that a lawyer representing a woman who apparently has left the United States with her children in violation of a court order must disclose the whereabouts of her client and the children. The court held that the attorney-client privilege does not apply to information about the mother's address, which the mother gave the lawyer. The mother's action in removing the children in contempt of the terms of a temporary custody order amounts to a "fraud upon the court," the court decided. Accordingly, the exception to the attorney-client privilege for "crime or fraud" applies, and the court may compel the lawyer to reveal where her client is, the court held.

Bersani v. Bersani; Conn. SuperCt New Haven JudDist, No. 276057; 8/24/89.

Plea Bargain Voided in Child Abduction

New York's highest court ruled that a father who had abducted his children in violation of the terms of a custody order may be held criminally liable for his actions, even though he had entered into an agreement with an assistant district attorney whereby he would be immune from prosecution if he returned the children. The court rejected the man's argument that a refusal to honor the agreement would be unfair. The father and the public prosecutor were not engaged in any true bargaining, according to the court, because the father agreed to do no more than he was already obligated to do — return his children to their lawful custodian. "Mandating enforcement of an agreement exacted in these circumstances is a perversion, not a requirement, of public policy," the court said.

Schrotenboer v. Soloff; NY CtApp. No. 275, 12/21/89.

Stepmother Approved for Adoption

An Illinois Appellate Court held that the wife of a child's custodial father, who as the child's stepmother had cared for him since his parents' divorce, has standing in a proceeding for custody modification upon the father's death to seek custody of the child. The court noted that state law provides that a non-parent may seek custody of a child if the child is not in the physical custody of one of his parents. The parents were divorced in 1981, and custody of the children was granted to the father, who remarried shortly after the divorce. The stepmother cared for the child since the remarriage, and in 1984 the father and stepmother moved with the child to the Washington, D.C. area. The mother continued to exercise visitation rights, and on the father's death in 1987 petitioned the Illinois court for a modification of custody. The Illinois court granted the stepmother permanent custody, and the mother then appealed, challenging the stepmother's right to seek custody of the child. However, the appeals court found in favor of the stepmother, saying that by the time of the father's death a mother-son relationship existed between the child and the stepmother, and that "the natural parent's superior right to custody is not absolute but only one of several factors looked to in determining the best interests of the child."

In re Carey; Ill AppCt 2d Dist. No. 2-88-0890; 10/2/89

Support Guideline Modified by Judge

An Illinois appellate court has held that the fact that the noncustodial parent of a child earns a substantial income does not in and of itself entitle the child to support payments in excess of appropriate needs. The appellate court ruled that a lower court should not have ordered a doctor earn-

ing more than \$150,000 a year to pay 20 percent of his net income for the child. The appellate court noted that the lower court's award was an apparent attempt to conform with the state child support guideline. However, where the individual income of both parents are adequate to provide for the child's reasonable needs, the appellate court said, it is justifiable to set a support figure at less than the guideline amount. Also, the court said, although consideration should be given to the lifestyle the child would have enjoyed had the parents not divorced, "the courts are not required to automatically open the door to a windfall for children where one or both parents have large incomes."

In re Bush; Ill AppCt 4th Dist. No. 4-88-0716; 11/9/89.

Homosexual Allowed Visitation

The Iowa Supreme Court decided that a non-custodial father's homosexuality is not a sufficiently compelling reason to restrict his visitation rights with his children to times when "no unrelated adult" is present. The Supreme Court said the reason this "unusual provision" was imposed by the lower court was "obviously...on account of (the father's) homosexual lifestyle." The Supreme Court noted testimony by friends, relatives, and the children's mother that the father was loving and responsible toward his children, and mentioned the credibility of the father's testimony that his children would not be exposed to his homosexual lifestyle.

In re Walsh; Iowa SupCt. No. 88-713.2/21/90.

Tort of interference with custody approved

The Minnesota Court of Appeals has recognized that a father has a right of compensation for the injury he suffered when his ex-wife, with the

In the State Courts

cooperation of her parents, abducted his daughter and concealed her outside the state for several years after the father had been awarded custody of the daughter. The appeals court said the public policy of the state supports adoption of the tort of intentional interference with custodial rights. The court said evidence of this is clear because of the criminal penalty for parental child abduction and prior case law that compensated individuals for the injuries that this tort was meant to redress. The appeals court also ruled that the child's maternal grandparents' actions in assisting with the child's abduction and concealment were sufficient to bring them within the Minnesota court's jurisdiction. "Virtually every state that has considered the issue has adopted the tort of intentional interference with custodial rights," the appeals court commented, listing 24 that have done so. "A very few states have rejected or deferred recognition of the tort."

Larsen v. Dunn: Minn CtApp. No. C7-89-1139, 1/2/90.

Dependent Tax Exemption Denied

A Missouri appeals court said a lower court was wrong in granting a non-custodial father the right to claim the federal income tax dependency exemption for one of his children. The appeals court said that the 1984 amendments to federal tax law, under which a custodial parent is entitled to the dependency exemption except in certain specific situations, stripped state courts of the power to allocate the exemption to the other parent. However, the appeals court said, the lower court may reconsider the amount of the father's child support payments in view of the fact that he could not claim the exemption.

Echols v. Echols: Mo CtApp EDist. Nos. 56067 & 56166.

Child Support Tied to Access Interference

Missouri appeals court has decided that a lower court should not have stipulated that a father's child support obligation would abate automatically for any month in which his ex-wife failed to deliver their children to him for visitation. The mother had gone to great lengths to disrupt the children's relationship with their father, and the children were unwilling to visit him, the court said. However, to comply with the stipulation, the mother would be required to force an 18-year-old son to visit his father against his will, the appeals court noted. Missouri law permits abatement of support when a custodial parent interferes with court-ordered visitation. However, the appeals court said, the statute first requires a finding by the trial court that the interference has occurred, and the noncustodial parent must be current in his child support payments. Although striking down the automatic provision, the appeals court said the father could initiate action to abate his support obligation for any period during which the mother had failed to deliver the children to him pursuant to the divorce decree, if he was not delinquent in his support payments.

Brandt v. Brandt: Mo CtAppEDist. No. 55859, 1/30/90

Adoption by Stepparent

The Montana Supreme Court has ruled that a father has no power to prevent the adoption of two of his children by his ex-wife's current husband. The court said this is because the father had not been contributing to the children's support. The father argued that he had been supporting a third child who resided with him, and thus was not bound to pay child support to his former wife. The court said this defense was invalid to block the

adoption. The state law allows adoptions if the noncustodial parent was able to, but did not, contribute to the support of his child for a period of one year prior to filing of a petition for adoption.

In re R.M.; Mont SupCt, No. 89-253; 1/18/90.Ps

Adulterous Mother Wins Custody

The West Virginia Supreme Court of Appeals held that a lower court should not have treated the adulterous conduct of the mother as a reason for awarding custody of a child to the father. Custody of young children should be granted to the primary caretaker, in this case the mother, the Supreme Court said. Although there is a parental-unfitness exception, the court noted, and one criterion is "refraining from immoral behavior under circumstances that would affect the child," the mother's marital misconduct did not warrant a finding of unfitness. The primary caretaker rule "inevitably involves some injustice to fathers who, as a group, are usually not primary caretakers," the court commented in its decision. There are instances in which the primary caretaker would not be the better custodian in the long run, the court added, but "there is no guarantee that the courts will be able to know, in advance and based on the deliberately distorted evidence that characterizes courtroom custody proceedings, when such is the case."

David M. v. Margaret H.: WVA SupCtApp. No. 19020; 10/19/89.

These cases are condensed versions of reports appearing in *Family Law Reporter*. They appear by permission of The Bureau of National Affairs, Inc., publisher of *Family Law Reporter*.

In the Supreme Court

Jacqueline Bouknicht's Contempt Upheld

The U.S. Supreme Court ruled in February, 1990 that a Baltimore, Maryland woman may not invoke her constitutional right against self-incrimination to refuse to reveal the whereabouts of her son, who was abused and is feared dead.

Jacqueline Bouknicht can not use her 5th Amendment privilege to refuse to produce her son, Maurice, who was last seen in September 1987, the court ruled in a 7-2 opinion.

Maurice was hospitalized at three months old with a broken leg. An examination showed several other partially healed fractures and other indications of "severe physical abuse." At the hospital, Bouknicht was seen shaking the infant, immobilized in a full-body cast, and throwing him into his crib.

In ensuing months, Maryland child protection authorities, alerted by the hospital, placed Maurice in a shelter. He was returned to Bouknicht in August 1987 subject to requirements that she cooperate with authorities, refrain from physical punishment and obtain therapy.

When Maurice, last seen when he was 11 months old, had been missing for several months, when a judge jailed Bouknicht for civil contempt for refusing to reveal his whereabouts.

The Supreme Court said Bouknicht's agreement to cooperate with authorities meant she could not

invoke the 5th Amendment. Maryland officials, said Sandra Day O'Connor, in the court's opinion, are seeking Maurice's whereabouts "for compelling reasons unrelated to criminal law enforcement."

The ruling indicated that Maryland authorities might be barred from using evidence obtained through Bouknicht in any later criminal case against her.

Bouknicht remains in jail on civil contempt charges.

Justice Thurgood Marshall, joined by Justice William J. Brennan Jr. accused the majority of "riding roughshod over Bouknicht's constitutional rights."

NCCR wrote a letter of support to Maryland child protection officials last year when it was announced that the Supreme Court would hear the case.

Prejean's Execution Stayed

Last November, the U.S. Supreme Court stayed the execution of Dalton Prejean, a black youth who was sentenced to die in 1978 in Louisiana for killing a white Louisiana state trooper. Prejean was 17 when he killed the trooper.



Justice O'Connor

His case has attracted national attention and precipitated much debate about the death penalty, in light of Mr. Prejean's age at the time of the offense, and allegations that he suffers from brain damage and is borderline retarded.

Neither his brain damage nor severe childhood abuse at the hands of his stepmother were presented to the jury that convicted him and sentenced him to die.

The U.S. Supreme Court did not articulate any reason for its stay of his execution, and the court is expected to announce, perhaps by the time this newsletter is published, as to whether it will review Prejean's case.

The law firm of Debevoise and Plimpton in Washington, D.C. has been handling the Prejean case pro bono (free) since late 1982.

At the request of the law firm, NCCR wrote last year to Louisiana officials, asking that Prejean's penalty be commuted to life imprisonment rather than death.

NCCR is not taking any position on the death penalty in general, and no responsible parties seek Prejean's freedom. The only question is whether, because the questions concerning his retardation and abuse as a child did not come to the jury's attention, he should be imprisoned for life rather than put to death.

Bills Pending

Continued from page 7.

day care, through credits and vouchers.

In contrast, the Hawkins/Downey approach, H.R.3, would provide direct payments to a licensed day care centers rather than credits to parents to choose their own form of day care.

The Hawkins Downey bill would thus limit parental choice, and would expand the public schools to care for 3 and 4 year olds.

Congress passed H.R.3 and President Bush was expected to veto it because it could cost up to \$5 billion in its first year.

— thanks for information to Robert Rector, policy analyst, The Heritage Foundation, Washington, D.C.

Why are Child Support Awards Declining?

In our Winter 1989-90 newsletter, we carried an article that said researchers have found child support awards are declining because of rising relative female earnings.

Several weeks after the article was published in our newsletter, a similar article reporting on the research appeared in the *Washington Post*.

NCCR offered copies of the research in our last newsletter. How-

ever, the researchers themselves have contacted NCCR, saying they would like to fill the orders themselves. We are glad to oblige.

For copies of the research findings, send \$3.50 to:

The Institute for Research on Poverty,
Social Science Building,
Attn: Publications,
1180 Observatory Drive
University of Wisconsin,
Madison, WI 53706

Around the Country

Wisconsin

Unmarried Dad Wins Hearing

J.D.F. an unmarried father, recently prevailed in the Wisconsin Court of Appeals in his efforts to obtain a hearing regarding paternity and visitation of the minor child.

An unmarried father and child face significant legal hurdles under Wisconsin and other state laws. J.D.F. asserted his paternal rights notwithstanding these legal hurdles.

J.D.F. wishes to keep his name private for the time being to protect the child, a girl aged 3 1/2.

NCCR filed an amicus ("Friend of the Court") brief on behalf of the minor child, arguing that the child had a right to the access to a natural parent, and that therefore a hearing for visitation should be conducted.

The Wisconsin Court of Appeals decision quoted favorably from the NCCR brief in its opinion.

The matter will now go back to the trial court for further proceedings.

Although J.D.F. had liberal access during the first 17 months of his daughter's life, he has not seen her in two years.

"Be sure to raise constitutional arguments early in the proceedings and do a lot of your own research and case preparation so you can understand the laws as well as save money," said J.D.F.

NCCR General Counsel Michael L. Oddenino wrote NCCR's amicus brief.

Copies of the opinion are available free to NCCR members, upon receipt of a long self-addressed stamped (45 cent) envelope. Non-members, also send \$3.

Ohio

New Child Support Guideline

In March, the Ohio legislature passed a bill establishing a new Child Support Guideline in Ohio. Attached to the bill was a phrase that said, "willful and continuous denial of visitation will be grounds for change of custody."

The bill containing the amend-

ment passed the Senate 24-9. It had previously passed the house, and was expected to be signed into law in April by Governor Richard Celeste, according to Andy Cvercko, chairman of CAPRA (Children and Parent's Rights Association of Ohio) and Ed Davidian, CAPRA's legislature advisor.

The bill also removes from Ohio law, "the endangerment clause." Under the endangerment clause, a parent generally had to prove that the custodial parent was a danger to the child, in order to seek a change of custody. Now, parents seeking a change of custody can take a more positive outlook on that by showing the advantages of a change of environment for the child.

CAPRA has filed a lawsuit against the federal government challenging the basic structure of federal laws on child support. The suit, filed in the U.S. District Court in Cleveland, says that because divorced parents, such as CAPRA members, tend to pay voluntarily, automatic wage withholding and other requirements are unnecessary and costly to the country. CAPRA has asked for a national class action status for the suit in federal court.

"The children of CAPRA members have never been and will never be on welfare," said Mr. Cvercko. For information, contact Mr. Cvercko at CAPRA, 227 S Roanake Ave. Youngstown, OH 44515, Phone: (216) 799-9787.

California

Change in Custody Language Deferred

A bill proposed in the California Assembly to change the wording of current law from "joint custody" to "assignment of parental responsibilities" has been shelved for the second year in a row, according to James A. Cook, president of the Joint Custody Association in Los Angeles.

Cook is considered to be the father of California's landmark joint custody law that became law in 1980, and opposed the word change.

That 1980 law, which was consid-

ered to have created a presumption for joint custody, was slightly amended in 1988 to state there is no preference for sole or joint custody. However, all the rest of the 1979 wording remains in the law, including the policy statement that says a child should have "frequent and continuing contact with both parents" and that if sole custody is given, consideration should be given to the parent most willing to allow access to the other parent.

Cook said the objections to the name change from joint custody to assignment of parental responsibilities convinced the sponsor of the bill, Assemblyman Tom Bates, a Democrat from Oakland, to delay the bill.

Major reasons for opposing the word change were:

- the proposed change would give power to conciliation court counselors to decide what parenting functions would be assigned, thereby triggering competition between the parents for favorable assignment;
- both the words "custody" and "joint" appear throughout other sections of the law as well as in other federal and state laws;
- a change might jeopardize the standing of current joint custody agreements affecting parents and children.

Corrections from Winter 1989-90 Issue

The correct title of the article by Melinda Blau which won a "Best in Media" award at last year's NCCR conference is "In it Together".

The quote "...child support should be related to the needs of the child and should not be seen as a reward for winning a custody fight or as a salary for the custodian" highlighted below Judge Judith Rogers' photo, should have been clearly indicated as wording from the brief filed by NCCR and the Greater Washington Area Chapter of the Women's Division of the National Bar Association ("GWAC"), and not from Judge Rogers' opinion overturning the D.C. Child Support Guideline.

Jeffersonian Walter Karp Dies

During the first half of 1989, Walter Karp, a prolific writer on American history, contacted NCCR on several occasions, and ordered materials from us. Karp, the author of eight books, including Indispensable Enemies: The Politics of Misrule in America, had stumbled across what he called "the unwritten child support story."

He told NCCR he was alarmed at the enormous government intrusion into family life in the child support field. He said he was concerned about the enormous and growing bureaucracy set up to bring all child support orders under government collection procedures, even where there was no indication of irresponsibility on the part of a parent.

Karp, author of an article in the July 1989 *Harper's* magazine entitled "All the Congressmen's Men? How Capitol Hill Controls the Press," told NCCR he had at first thought of writing the child support story for a small magazine. But the more he reviewed the matter, the more he felt it was a "big story," for a large magazine.

What amazed him, he told NCCR, was that he had never seen the story printed in any major media from the angle he perceived it — the massive bureaucracy. He couldn't understand why no one had ever tackled the story.

Walter Karp did not live to write his story. He died in July, 1989, at age 55, at St. Luke's Hospital in New York City, after surgery for an enlarged colon.

At his death, *Harper's* publisher John MacArthur said, "Walter Karp is one of the very few writers, journalists and citizens that I have met who actually lived — but maybe, more importantly, articulated — the Jeffersonian ideal. He was a ceaseless foe of government intrusion into civil liberties and also deeply suspicious of political power."

Flaws in Wallerstein's Research

We have had several requests to repeat information we published last year as to why research by Judith Wallerstein on joint custody was flawed. The following excerpt explains the flaws:

Journal articles written by Wallerstein and her associates revealed that there were enough non-conflicted parents (both sole and joint) in one California county (Marin) for Wallerstein and her associates to study, but there weren't enough highly conflicted parents in that county to study. Thus they had to draw upon four California counties — Marin, San Francisco, San Mateo, and Alameda — to study highly conflicted parents.

Furthermore, this highly-conflicted sample is four times more verbally aggressive, and thirty-six times more physically aggressive than the normal divorcing population, as Wallerstein's associates Janet Johnston, Linda Campbell and Sharon Mayes admit in "Latency Children in Post Separation and Divorce Disputes," appearing in the *Journal of the American Academy of Child Psychiatry*, Vol. 24, No. 5, pp. 563-574, 1985.

These same researchers admitted that 89 percent of the highly conflicted parents they studied had trait indicators of personality disorder, according to the DSM-III, a diagnostic manual for mental disorders.

In other words, these parents are in no way representative of the normal divorcing population. Public policy, and the true worth of joint custody, should not be based on research which represents such a small portion of the di-

vorcing population.

Also, Wallerstein selected parents from 1980-83, which was too soon after the 1980 joint custody law became effective in California for judges, mental health professionals and the divorcing public to understand how best to implement the law.

There is a mountain of research that shows two parents are generally better than one parent for healthy child development. Research and commentary by numerous investigators and prominent mental health professionals show the benefits of co-parenting. Their research is contained in NCCR's Report "Evaluation of Sole and Joint Custody Studies" (#R103A).

These researchers focus on the majority of children, the norm, not on isolated cases of continuously litigating parents, as Wallerstein and her associates have done.

(See next newsletter, Summer, 1990, for review of final journal articles by Wallerstein and her associates on their work).

Child Support Analysis

For presenting your own case in court (Strictly confidential) or for presenting to your legislature. Includes proposals for equitable results in a variety of situations. Laser quality data and graphs.

Sharp Data

When you want to make a **POINT!**

Fred Tubbs (802)223-6873
RFD 1 box 284A
East Montpelier VT 05651
Serving all 50 states.

for kids caught in Drugs and Crime. The long-range answer, say criminologists, is improved parenting. Make a tax-deductible contribution to a major national advocacy group working for a child's right to two parents (a father and a mother), regardless of the parents' marital situation. The all-volunteer National Council for Children's Rights (NCCR), Dept. NS, 721 Second Street N.E., Washington, DC 20002 (202-547-6227) or join NCCR for \$25.00. Write or call for further information. Advisors include "Dear Abby," Sens. David Durenberger (R-MN) and Dennis DeConcini (D-AZ) and Norman Cousins. "Outstanding Group!" — Vicki Lansky (*Family Circle* Columnist).

JAIL IS NOT THE ANSWER

Custody Reform Advocate Rebuts Weitzman

Jed Abraham, a custody reform advocate in Illinois, has written a definitive rebuttal to Lenore Weitzman's book published in 1985 entitled The Divorce Revolution.

Abraham's 48-page article entitled "The Divorce Revolution: A Counter-Revolutionary Critique" has appeared in Northern Illinois University's *Law Review*, Volume 7, Number 2, and *American Journal of Family Law*, Volume 3, Number 2, both published in 1987.

In the article, Abraham reviewed all the available evidence, and found that Weitzman's oft-quoted statistics of the supposedly large variation between men's and women's post-divorce standard of living are wrong.

All the research indicates to

Abraham that the difference between men's and women's income post-divorce varies between 10 percent and 35 percent on the average. That is, the standard of living for men is between 10 percent and 35 percent above that of women post-divorce. That gap, says Abraham, is roughly equivalent to the wage gap that prevails at large between men and women.

This gap between men and women can be further narrowed by re-marriage and if joint custody were to become more commonplace, he states.

The effect of joint custody, economically, is to reduce post-divorce direct expenses of mothers and to increase the post-divorce direct payments of fathers, therefore increasing the standard of living of mothers and de-

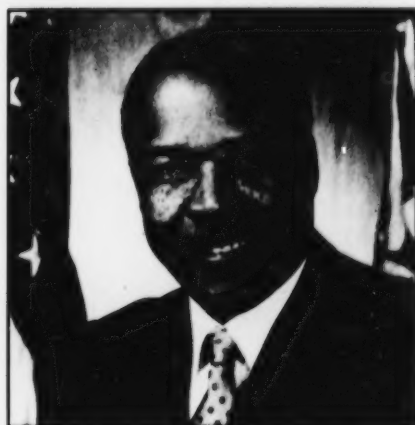
creasing the standard of living for fathers.

The effect would bring the standard of living of both parents closer to parity, says Abraham.

Abraham is an executive member of the American Bar Association's Section of Family Law Child Custody Committee. He was instrumental in upgrading Illinois' joint custody law. This revised law encourages the maximum participation in the child's life by both parents. Abraham's article is available as NCCR Report No. R121.

Some of Abraham's preliminary findings were presented at NCCR's Third Annual Conference in 1988, and are available as part of the Printed Proceedings of that Conference, NCCR Report No. R-119.

Members named to Commission on Interstate Child Support



Louis W. Sullivan

The Family Support Act passed by Congress in 1988 called for the appointment of a Commission on Interstate Child Support.

The Commission is to hold hearings around the country, deliberate, and make recommendations by the completion of the commission in mid-1991.

The Commission consists of 14 members, seven appointed by U.S. Secretary of Health and Human Welfare, and eight of whom were appointed by House and Senate leaders.

Named to represent custodial

parents is Geraldine Jensen, president, the Association for Children for Enforcement of Support (ACES), Toledo, Ohio. Named to represent non-custodial parents is Don Chavez, former president of the National Congress for Men.

"Establishing and enforcing child support orders across state lines has been a major difficulty over the years. Some parents have been able to avoid support payments by moving to another state," said Louis W. Sullivan, M.D., Secretary of Health and Human Services, in announcing some of the appointments on March 8.

Commission Members

The appointments, and their current positions, are:

- Schuyler Baab - deputy under secretary for intergovernmental affairs/boards and commissions, Washington, D.C.
- Margaret Haynes - director, National Legal Resource Center for Child Advocacy and Protection, American Bar Association, Washington, D.C.
- Don Chavez - branch chief, supervisory social worker, U.S. Department of the Interior, Albuquerque, N.M.

- Irma Neal - chief, Office of Paternity and Child Support Enforcement, Washington, D.C.
- Geraldine Jensen, president, ACES, Toledo, OH.
- Leslie Lenkowsky - president, Institute for Educational Affairs, Washington, D.C.
- Lee Daniels - Minority Leader, Illinois House of Representatives
- Bill Bradley - U.S. Senator, D-New Jersey.
- J. B. McReynolds - general counsel, Texas State Department of Human Services.
- Judge Battle Robinson - judge and representative of the Commissioners on Uniform State Law, Delaware
- Barbara Kennelly - Congresswoman, D-CT.
- Frances Rothschild - judge, Los Angeles, CA.
- Harry Tindall - private attorney (family law), Houston, TX.
- Marge Roukema - Congresswoman, R-New Jersey.

NCCR suggests that you plan to testify before this Commission when it holds a hearing in your part of the country, and that you talk about ways in which financial as well as emotional support of children can be improved.

Here are a few selections from The
National Council for Children's Rights

1990

CATALOG OF RESOURCES

for parents
and professionals



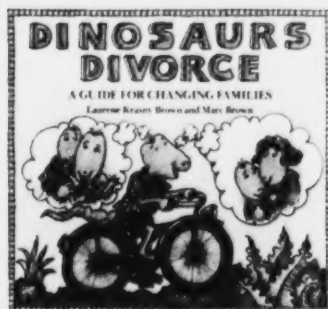
Members can receive additional free copies of the catalog by contacting NCCR. Non-members can order one for \$1.00. Write: NCCR, 721 2nd St. N.E., Washington, D.C. 20002.

Over 60 titles! Books for Children
Parents

Stepparents
& Single Parents;

Titles on Stress Management,
& Mediation, Legal Issues & Child Abuse;
Plus

Reports on Custody, Access, and Divorce;
Video and Audio Cassettes,
Legal Briefs,
and a Special Selection of Gifts.



Especially for Kids

Dinosaurs Divorce, by Lauren Krasny Brown and Marc Brown. Cartoon style, story form to help children 4-12 understand divorce words and what they mean, why parents divorce, how children feel, having two homes. Endorsed by *N.Y. Times*, *American Bookseller*, *School Library Journal*, and *Publishers Weekly*. **BKK-102 — 31 pages. \$4.70**

Especially for Parents

Divorce Book for Parents, Vicky Lansky. Draws on her own experience, that of hundreds of other parents, and professionals, to give sound advice on how to help your children survive and even thrive ... and remain true to themselves at the same time. **BKP-204 — 255 pages. \$18.95.**

Fathers' Rights — The Sourcebook for Dealing with the Child Support System, by John Conine. Authored by a child support enforcement officer who worked for many years at both the state and national level. Suggests how to change a biased system to deal impartially with husbands, wives and children. **BKF-406 — 220 pages, hardback. \$17.95.**

Especially for Stepparents

Making It as a Stepparent, New Roles/New Rules, by Claire Berman, director of public education, Child Welfare League of America. Provides practical help and insights into the many challenges and rewards of stepfamilies. **BKS-302 — 202 pages. \$7.95.**



Mediation

Mediating Divorce, by John M. Haynes, Ph.D., and Gretchen Haynes, M.A. John Haynes, founding president of the Academy of Family Mediators, and trainer of about 5,000 judges, lawyers and therapists in mediation, and Gretchen Haynes, show how mediation techniques can be applied. **BKE-602 — 310 pages, hardback published 1989, \$27.95.**

The Parental Alienation Syndrome
and the Differentiation Between
Fabricated and Genuine
Child Sex Abuse

Richard A. Gardner, M.D.

Child Abuse

The Parental Alienation Syndrome and the Differentiation Between Fabricated and Genuine Child Sex Abuse, by Richard A. Gardner, an authority on the Parental Alienation Syndrome (PAS). **BKA-801 — 314 pages, hb, \$20.00.**

Special Gifts

Especially for Children!

The Written Connection. A communication system containing everything you need for 2-way correspondence between parents/relatives and children. Created by Melanie Rahn, published by Positive Parenting, Inc. **Six-month program starter kit, ages 4-12 including 32-page, illustrated guidebook for parents. C102 — \$39.95** Refills available.

A CHILD'S RIGHT 2 PARENTS
CHILDREN'S RIGHTS
(202) 221 NCCR

Bumper Stickers — A Child's Right 2 Parents with the NCCR logo and phone number. **B101 — \$3.00**

T-shirts. Design on front side only says "Help stop Crime. Give Kids Two Parents - National Council for Children's Rights." 4 color design. Haynes, all-cotton T-shirts. Specify adult or child sizes in S, M, L, or XL. In background colors of grey, yellow, ecru, or pink. **P-101 — Adult sizes, \$10.00, kids sizes, \$8.00. Poster with same design as T-shirt. P102 — \$1.50.**

Poster. Design of troubled children with wording stating "At Risk? Two Parents Needed!". Contains logo of National Council for Children's Rights. 3 color design 12" by 16" suitable for framing. **P201 — \$1.50**

Reports

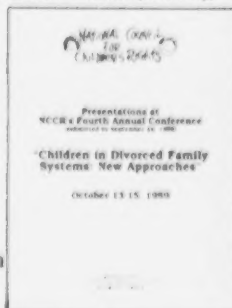
Banana Splits. A voluntary, low-cost, school program for children of divorce. It enables them to discuss changing family structure in peer groups, with a counselor, so as to do better emotionally and academically. Parents also participate. NCCR interviews the founder of the program. **R110 — 14 pages. \$5.00.**

New Release! Parent-Child Access After Divorce. A Review of Research and Research Needs. A comprehensive overview of access studies from around the country that explain the serious of visitation problems, and recommendations for change. **R118 — 50 pages. \$10.00**

New Release! Written Preliminary Proceedings from NCCR's 1989 Fourth Annual Conference (submitted prior to conference). Includes fifteen different reports, including *Psychotherapeutic and Legal Approaches to the Three Types of Parental Alienation Syndrome Families*; *How to Win as a Stepfamily* (Emily Visser, Ph.D. and John Visser, M.D.); *(Partial) Overview of the 1988 Family Support Act*; *Evaluation of Sole and Joint Custody Studies* (John Bauserman, Vice President, NCCR); *An Overview of Access (Visitation) Research* (Anna Keller, Vice President, NCCR); *Visitation Mediation Service, Prince George's County, MD.* **R120 — 30 pages. \$10.00.**

Synopses of Sole and Joint Custody Studies. Synopses of more than 20 studies of sole custody, voluntary joint custody, and court ordered joint custody. Includes national experts such as Wallerstein and Kelly, Joan Berlin Kelly, Marlin S. Potash, Everett G. Pojman, Madona Elaine Bowman, Mel Roman and William Haddad, John Touliatos and Byron W. Lindholm, Hallowell Pope and Charles W. Mueller, Virginia Shiller, Frederick W. Ilfeld, Holly Ilfeld and John R. Alexander, John W. Santrock and Richard A. Warshak, and Diana Brinton Cowan. **R103A — 68 pages. \$13.60.**

Directory of Organizations. A comprehensive list of 1,200 organizations across the country concerned with custody reform, children's rights, mediation and extended families. Prepared by NCCR with the help of other groups and individuals. **R122 — 70 pages. \$7.00.**



Send all book orders to: NCCR Books, P.O. Box 5568, Friendship Station, Wash., DC 20016. Add \$2 for 1st book, 50¢ each add'l book for shipping and handling. Order other materials from: NCCR, 721 2nd St N.E., Washington,

Please Reprint This in Your Newsletter or Journal



We are proud of your achievements, NCCR! Sign me up as a:

- ☐ member, \$25 ☐ sustaining member, \$50 ☐ sponsor, \$100
☐ life member, \$500 ☐ other \$ _____
☐ I can't join now, but here is my tax-deductible contribution of \$ _____
☐ MC ☐ VISA CC# _____ Exp. date _____

As a member, please send me *Speak Out for Children* (NCCR's Quarterly Newsletter) and the following at NO ADDITIONAL COST:

- "A Child's Right - 2 Parents," Bumper Sticker.
- A gift certificate worth 20% of your contribution. The certificate may be used to obtain any of NCCR's materials, which include written reports, audio/video cassettes, T-shirts, posters, artwork and books. A 16-page catalog will be sent with the certificate. Certificate is valid until December 31, 1990.

I understand that a contribution of \$50 or more entitles me to a free voice cassette — Part 1 of "The Needs of Children of Divorce."

Name _____
Address _____
City/State/Zip _____
Phone (_____) _____

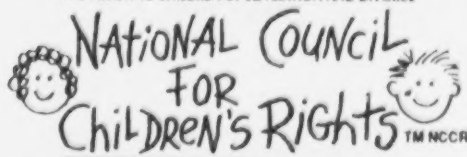
☐ Please do not give my name and address to other organizations.

Call (202) 547-NCCR (6227) to charge, or send completed form to NCCR,
721 2nd Street N.E., Washington, D.C. 20002

Distributed by:

Bulk copies of this newsletter are available for 50¢ each for distribution to policy makers, judges, and interested persons in your state. Send order to NCCR.

A NON-PROFIT, TAX EXEMPT ORGANIZATION STRENGTHENING FAMILIES
AND ASSISTING CHILDREN OF SEPARATION AND DIVORCE



Non Profit Organization
U.S. Postage
PAID
Washington, D.C.
Permit # 881

721 2nd Street, N.E.

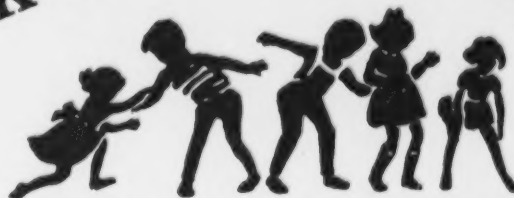
Washington, D.C. 20002

Address Correction Requested

Strengthening Families

Assisting Children of Separation
and Divorce

SPEAK OUT FOR CHILDREN



The Quarterly Newsletter of The National Council for Children's Rights, Inc.
721 2nd Street N.E., Washington, DC 20002 (202) 547-NCCR

IN THIS ISSUE:

- Mead's views on
fathering 3
- Legal Help 3
- NCCR Conference
Update 4
- NCCR in the news
..... 8
- Special 4-page
pullout — A guide for
joint custody advo-
cates 10
- In the Courts 13
- Bills pending 14
- Commission urged to
act on emotional
support 15
- Around the Country
..... 16
- Senator Bradley
responds 18
- New Catalog 19

Decisions to be Announced Later this Summer

More than Ten States Apply for Access Grants

More than ten states have applied for a portion of the money that is being made available for access (visitation) demonstration projects by the U.S. Department of Health and Human Services (HHS).

HHS is expected to select three states as winners of grants before Labor Day, and award each about \$300,000, according to Allie Matthews, assistant director of the Office of Child Support Enforcement in HHS.

The states will have 17 months to complete their demonstration projects. HHS will also award a grant of \$500,000 to an independent contractor to evaluate the access programs, as required by Congress to be completed by 1991.

HHS earlier announced it was earmarking \$1.4 million for the program, which it has now divided into three grants totalling \$900,000 and a follow-up evaluation that will cost approximately \$500,000.

HHS officials do not generally name applicants for grants until the winners are announced. However, an informal survey by NCCR across the country indicates more than 10 states have applied. Maryland, Iowa, Alaska, and Texas are among the applicants. Each applied for the maximum that can be awarded to a state — \$300,000.

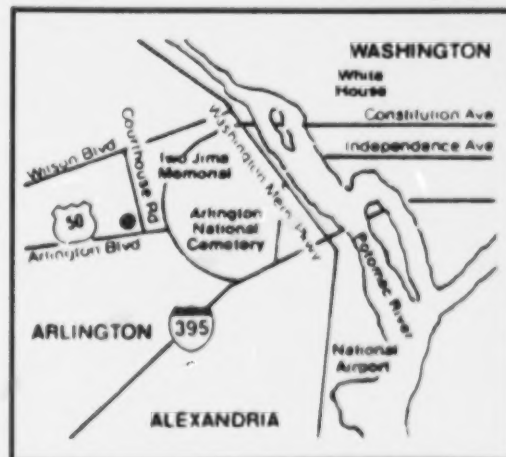
The Maryland Child Support Office applied for a grant to expand the child access/mediation program in Prince George's County, a suburb of Washington, D.C.

The Alaska Judicial Council applied for a grant to expand the Anchorage child visitation/

mediation project (described elsewhere in this issue).

The Iowa Department of Management (the state's budget office), applied for a grant to counsel non-custodial parents on ways to enforce their access (visitation) rights. The grant application stipulates that portions of the grant would be subcontracted to Drake University Law School, Des Moines Area Community College, and the National Congress for Men, according to Dick Woods, president of NCM, who lives in Iowa. The application specifies that greater involvement in children's lives by

See Access page 6



NCCR's fifth annual conference will be held Oct. 18-21 at the Quality Hotel, Arlington, Va. shown on the map above. See details on page 4.

PS 021264

SPEAK OUT FOR CHILDREN is published by the National Council for Children's Rights, Inc.

Editors: David L. Levy, Elliott H. Diamond, Andrea Basiste.

Contributors: Kenneth Skilling, Betty Gittelman, John Siegmund, Jonathan Israel, Tony Zelof, Deanne Mechling.

Interns: Carolyn Watson (Louisiana State University) and Melanie Blair (Cornell), American University Summer-in-Washington college interns.

Database Staff: John Prior, Ed Mudrak.

Office Sec'y: Veronica Daugherty.

The material in this issue is copyrighted by NCCR 1990. However, all material may be reproduced, if attribution is given as follows: "From 'SPEAK OUT FOR CHILDREN,' published by The National Council for Children's Rights."

About NCCR

The National Council for Children's Rights (NCCR) is a non-profit [IRS 501(c)3] organization, based in Washington, D.C. We are concerned with the healthy development of children of divorced and separated parents. For the child's benefit, we seek means of reducing divorce by strengthening families through divorce and custody reform, minimizing hostilities between parents who are involved in marital disputes, substituting conciliation and mediation for the adversarial approach, assuring a child's access to both parents, and providing equitable child support.

NCCR was founded in 1985 by concerned parents who have more than 40 years collective experience in divorce reform and early childhood education.

Prominent professionals in the fields of religion, law, social work, psychology, child care, education, business and government comprise our Advisory Panel.

For further information about membership, publications, cassettes, catalog, and services, write: NCCR, 721 2nd St. N.E., Washington, D.C. 20002, or call (202) 547-NCCR (6227).

SPEAK OUT FOR CHILDREN is published at least four times a year and is sent free to members. Send letters, comments, and articles for publication to Editor, NCCR.

OFFICERS:

David L. Levy, Esq. President
Anna Keller, Vice President
John L. Bauserman, VP/Treasurer
Ellen Dublin Levy, Secretary

CHAIRMAN:

Stuart W. Cochran II
founder, America's Children Tomorrow (ACT)

GENERAL COUNSEL:

Michael L. Oddenino

DIR. OF INFORMATION SERVICES:

John F. Prior

DIR. OF PUBLIC AFFAIRS

Andrea Basiste

ADVISORY PANEL:

Rabbi Mendel Abrams, D. Min.
former President, Board of Rabbis of Greater Washington, D.C.

Honorable John Amari
State Senate, Alabama

Daphne Bauer
Divorce Mediator

Shella Brayman, former President
Mothers Without Custody

Sam Brunelli, Executive Director
American Legislative Exchange Council

The Reverend Eugene S. Callender
Commissioner for the New York State
Office for the Aging

Ellen Canackas, Esq.

Jane Charnas, D.S.W., L.C.S.W., A.C.S.W.,
Associated Mental Health Professionals

Jim Cook, President
The Joint Custody Association

Norman Cousins
UCLA School of Medicine
"Dear Abby"
(Abigail Van Buren)

Honorable Dennis DeConcini
U.S. Senator, Arizona

Karen DeCrow
former President of N.O.W.

Elliott H. Diamond,
Co-Founder, N.C.C.R.

Honorable David Durenberger
U.S. Senate, Minnesota

Meyer Elkin, Co-Founder
Association of Family & Conciliation Courts

Warren Farrell, Ph.D., Author,
former Member of the Board of
Directors New York City N.O.W.

Doris Jones Freed, Esq., Co-Chair
New York State Bar Association Family Law
Section's Custody Committee

Larry Gaughan, Law Professor,
Professional Director, Family Mediation
of Greater Washington, D.C.

Herb Goldberg, Ph.D., Author, Professor
of Psychology, California State University

Ronald T. Haskins, Ph.D., Associate
Director, Bush Institute for Child and
Family Policy, U of NC

Honorable Phil Hoff
Former Vermont Governor

Joan Berlin Kelly, Ph.D.,
Executive Director
Northern California Mediation Center

James Levine, The Fatherhood Project,
The Bank Street College of Education

Honorable Fred Lovegrove
State Senate, Connecticut

Dr. Carl H. Mau, Jr.
General Secretary
Lutheran World Federation
(1974-85)

Honorable Fox McKelthen
Secretary of State, Louisiana

Honorable Jack Metcalf
State Senate, Washington

John Money, Ph.D., Professor of Medical Psychology and
Pediatrics
Johns Hopkins University and Hospital

Honorable Velmanette Montgomery
State Senate, New York

Honorable Mac Parsons
State Senate, Alabama

Mel Roman, Ph.D., Professor,
Director, Group and Family Studies
Department of Psychiatry
Albert Einstein College of Medicine

Sue Klavans Simring
Co-Director Family Solutions
The Center of Divorce and Custody Consultation

Honorable Debbie Stabenow, Chair
Mental Health Committee
House of Representatives, Michigan

Carol Stack, Ph.D., Director, Center for the Study of the
Family and the State
Duke University

Nick Stinnett, Ph.D.,
Department of Human Development and Family Life
University of Alabama

The Liberator

Mens Unity News Magazine

"A factual news" magazine of men's equality
now." (M.E.N. International Coalition.)
Articles on crime/punishment, domestic relations,
and general interests. Published by
Men's Rights Association, Rt 6, Forest Lake,
MN 55025-8854. Subscription: \$20/yr.

**COMPUTER, DATA BASE, AND
MANAGEMENT INFORMATION
SERVICES ARE PROVIDED BY:**

Prior Computer Service Inc.
P.O. Box 56589
Harwood Heights, IL 60656-0589
Home office: (312) 589-0507
SQLBBS (312) 589-0508



Margaret Mead's Views on Fatherhood



Margaret Mead

In 1970, the famed anthropologist Margaret Mead spoke at a seminar called "Sex in Childhood" sponsored by the Children's Medical Center in Tulsa, Oklahoma.

Margaret Mead, the most well-known anthropologist of the 20th century, touched upon many topics in her lecture, including the need to honor the incest taboo to protect children, the need to reduce the incredible violence that pours forth from TV, the importance of breastfeeding babies, and the importance of fatherhood, all topics which are as relevant today as when Ms. Mead lectured two decades ago.

We gratefully acknowledge NCCR Advisor John Money, Ph.D., of Johns Hopkins University Hospital in Baltimore, for sending us a copy of Ms. Mead's remarks. The remarks, based on a transcription of a lecture given without notes, have never, to Dr. Money's knowledge, been widely disseminated.

An excerpt of her lecture follows. NCCR members can request a free copy of the full 12-page text by sending a self-addressed business envelope with a 45 cent stamp, along with your NCCR membership number. The text is also available to non-members at a cost of \$5.00.

In her lecture, Mead said:

"We've permitted the courts to sever a relationship between a child and his or her biological father. This is something that no court should ever have an opportunity to do. There's no court in the world that can say a brother

and sister aren't a brother and sister. They can hate each other, they can refuse to see each other; they can call each other names; they can even murder each other, but they are still brother and sister.

"Yet we've permitted the court to utterly deny a father's relationship to the child. We have given the kind of preference to the mother-and-child tie that belonged about 'a half million years ago' when nobody knew what the father's relationship was. This worked all right then. A man came home to a cave for his supper and sex and looked after the children incidentally, but that was a long time ago.

"We do know something about biological paternity, that the father is the biological progenitor for a child — but we act as if we didn't know it at all. As a result, we are eroding paternal responsibility at an appalling rate in this country.

"In Chicago recently, we saw the great demonstration of a national association of divorced men who protested that they had no access to their children. This is another social condition — denying a real biological tie. I think one of the things we have to move toward is the recognition that having a child with someone is just as biological as being born from the same mother or being born from the same father.

"We're not going to get rid of divorce. People are too badly brought up in too many different ways, and they don't know how to live without other people very well. It takes a couple of tries to find out very often. If we could keep the tie between parents (co-parents who can't live together, but otherwise keep that tie), we would protect children far better than we do now."

Correction from Spring 1990 Issue

The incorrect citation was mentioned in an article by Jed Abraham entitled "The Divorce Revolution: A Counter-Revolutionary Critique". The correct citation is that the article was published in the *Northern Illinois University Law Review*, Vol. 9, published in 1989.

Legal Help from NCCR

NCCR has filed amicus curiae (Friend of the Court) briefs in several state appeal court cases, and we seek to enter other cases on appeal. We have been asked on a number of occasions to enter cases at the trial level (which are not yet on appeal), but we regret we do not yet have the resources to do this.

We have won cases in New Jersey, where a law was upheld permitting a judge to reverse custody in a case where a parent planned to take the child permanently from the state, in Wisconsin, in upholding a child's right regarding paternity, and in Ohio, upholding a joint custody agreement previously reached in another state.

We also won a case in Washington, D.C. (See "Around the Country" page 16).

Do you need legal help in a case? Is the case (or will it be) on appeal? Does the case have broad applicability? If the answer to these questions is yes, contact NCCR.

To increase your chances of winning on appeal, make certain that all constitutional arguments are raised in the lower court.

Legal arguments appear in NCCR Report No. L102A ("Joint Custody as a Child's Constitutional Right").

If a mental health professional or other expert has made a finding or statement that is helpful, let us know.

An amicus curiae brief is not the main brief in the case filed by you or your attorney; it is an extra brief filed by NCCR to draw the court's attention to the importance of this case, and its effect on children's rights.

Attorneys for NCCR are interested in handling these cases on a reasonable fee basis. As mentioned above, we can only consider cases which are on appeal.

See page 4 for information on this year's NCCR Conference!

It's Not Too Late To Send In Your Registration!

NCCR's Fifth Annual Conference!



Ralph Underwager, Ph.D.
Hollida Wakefield, M.A.



Edith Flynn, Ph.D.



Frank S. Williams, M.D.



David Lloyd, Esq.

NCCR will hold its fifth annual conference October 18-21, 1990. The theme of the conference is "An Agenda for Children in the Nineties."

The conference will be at the same hotel as last year, the Quality Hotel at Route 50 and Courthouse Road, in Arlington, Virginia. The conference will not be held at the hotel mentioned in the Spring, 1990 newsletter.

The Quality Hotel is about a 10 minute subway ride to Washington, D.C., and about a 15 minute subway ride to National Airport.

Speakers will include:

David Lloyd, Esquire, who is project director of the National Resource Center on Child Sexual Abuse, Wheaton, Maryland, will discuss *Child Sexual Abuse and its Impact on the Family*.

Ralph Underwager, M. Div., Ph.D. and Hollida Wakefield, M.A., psychologists and directors of the Institute for Psychological Therapies, Northfield, Minnesota, will discuss *How to Avoid Secondary Victimization in Child Sexual Abuse Investigations*.

Frank S. Williams, M.D., Cedars-Sinai Medical Center in Los Angeles, will discuss *The Importance of Preventing a Parentectomy* (The Removal of a Parent from the Child's Life) Following Divorce.

Edith Flynn, Ph.D., professor in the College of Criminal Justice, Northeastern University, Boston, and former vice president, American Society of Criminology, will discuss *Child Care, Family Structure, and Delinquency*.

John Haynes, Ph.D., Huntington, New York, co-author of "Mediating Divorce" and founding president of the

Academy of Family Mediators, will discuss *Child Care, Family Structure, and Delinquency*.

The conference will feature speakers on child sexual abuse, criminology, prevention of problems for children, mediation, and a variety of workshops. There will also be a banquet, bookfair, film theatre, and award presentations.

Candlelight Vigil

Four new features of the conference this year:

- a longer conference. The conference will begin Thursday, October 18, at 3:00 p.m. We urge everyone to come to Washington Thursday morning and visit their members of Congress prior to the conference (NCCR will provide you with information needed to direct you to your Congress member).

- a candlelight vigil at the Lincoln Memorial Thursday at 10:00 p.m. dedicated to A Child's Right to Two Parents. NCCR plans to request President Bush to send a message concerning positive parenting. Transportation will be provided to and from the hotel and the Lincoln Memorial.

- a "book and author" luncheon on Friday, October 19, at 12:00 noon. All the authors whose books are offered for sale in NCCR's "Catalog of Resources" are being invited to attend and discuss their works following the luncheon.

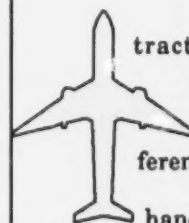
Among the authors expected to attend are: Vicki Lanksy (*Divorce Book for Parents*); Dr. Kyle Pruett (*The Nurturing Father — What Happens When Fathers Stay Home*); Marcia Lebowitz (*I Think Divorce Stinks*); Lita

Linzer Schwartz (*The Dynamics of Divorce*); Ann Weyman (*Successful Single Parenting*); and Gerald A. Hill (*Divorced Father*).

NCCR will ask each author to sit at a round-table of 8 to 10 people, enabling conference attendees and authors to meet each other during lunch.

- a gala reception celebrating NCCR's fifth anniversary. VIP's and major advocates of family policies in the Washington, D.C. area will be invited. The reception will be held Friday evening, October 19, from 8:00 to 10:00 p.m. A dance if scheduled to follow from 10:00 to 11:00 p.m.

Travel Arrangements



NCCR has contracted with a travel agency to offer the lowest possible plane fares to conference attendees.

Bowen Travel is handling air accommodations for NCCR across the country. Call them at 1-800-330-2169. The airport closest to the conference site is Washington's National Airport. Metro (subway) is available directly from the airport to the conference at the Quality Hotel in Arlington, Virginia. Book as early as possible as best fares go quickly. Fly to Washington Wednesday afternoon or Thursday morning, October 17-18, and leave Sunday afternoon, October 21, so you can attend all conference events — and see the sights of Washington, too!

Awards Time Again

At the conference, NCCR will present its annual Chief Justice Warren E. Burger awards for "healers" among lawyers, judges and others, and its annual Media Awards for the best and worst treatment of children of separation and divorce in the media or advertising.

A "healer" might be:

- a judge who takes the lead in promoting joint custody (shared parenting);
- a pre-court trial service which fosters mediation;
- an attorney with a professional track record of promoting a child's access to two parents and others who have bonded with the child.

For media awards, possible contenders are:

- best and worst treatment of children and parents of divorce in the news media (including newspapers, magazine, TV, and radio coverage);
- best and worst media coverage of a county agency helping children of divorce with programs for teenage parents;
- best and worst TV series on abuse and false abuse charges.

Please submit the following regarding your nominations:

1. The name, address and phone number of your nominee.
2. A brief, written explanation (100 words or less) explaining why the nominee should be cited. Give us the facts.
3. Enclose any documentation (newspaper article, date, place and name of TV station, corroboration from other affected persons) which is available.

Send "healer" awards nominations to:

Carla A. Goodwin, M.Ed.
Certified Ed. Psychologist
920 Washington Street
South Easton, MA 02375

Send media award nominations to:

Mary Burr
8050 Felecity Court
Springfield, Virginia 22153.

The 1990 winners will be named at a press conference at our NCCR conference Friday, October 19 at 10:00 a.m.

The winners need not be present to be selected. Please send us your nominations by Labor Day.



Take a Chance! Win a Fine Drawing!

A framed black-and-white pencil drawing of children entitled "Friends" has been donated to NCCR by Baltimore artist Kevin W. Hodges.

NCCR is raffling this fine 18" by 24" drawing at our conference. The drawing is valued at \$250.00. Only 500 raffle tickets will be issued. One raffle is given free to every registered participant at our Fifth Annual Conference.

The drawing for the raffle will be held Saturday, October 20. You do not have to be present to win.

If you wish to purchase raffles, please send \$2 for each raffle ticket you want, (or 3 for \$5) and remit with your check, Visa or MC number (include signature and exp. date), to Dr. Gary Santora, c/o NCCR, 6706 Whittier Avenue, McLean, Virginia, 22101, phone (703) 893-6325.

Please send a self-enclosed stamped envelope; your tickets will be mailed to you. Please order all raffles by October 1, 1990.

NCCR Chapters

Alaska
Alaska Dads and Moms
5974 North Street
Juneau, AK 99801
(907) 780-4684
Sandra Armstrong, co-chair,
and NCCR state coordinator

Alaska Family Support Group
P.O. Box 52115
Big Lake, AK 99652
(907) 892-7760
Steve Strube, president

Second Wives and Children
P.O. Box 875731
Wassile, AK 99687
(907) 376-1445
Tracy Driskill

Connecticut NCCR chapter
44 Franklin Street
Trumbull, CT 06611
(203) 452-9624
Max Gregorich, coordinator

New Jersey
New Jersey Council for
Children's Rights (NJCCR)
P.O. Box 615
Wayne, NJ 07474
(201) 694-9323
Bruce Gillman, president

Ohio
Coalition of Parental Rights Associations (CAPRA)
227 S. Roanoke Avenue

Youngstown, OH 44515
(216) 799-9787
Andy Cvercko, president

Vermont
Vermonters for Strong Families
Box 312
Waterbury, VT 05676
(802) 223-0873
Fred Tubbs, president

Virginia
Fathers United for Equal Rights and Women's Coalition
P.O. Box 1323
Arlington, VA 22210
(703) 451-8580
Paul Robinson, president

Family Mediation of Greater Washington (located in Virginia), headed by Larry Gaughan, attorney and mediator, (703) 273-9307.

Chapters in Formation:
Florida-Barbara Walker-Seaman, (407) 365-7812 and
Piotr Blass (407) 369-3467.
Texas-Jimmy Boyd (512) 397-5999
Kansas-Ken Neet (913) 287-3580
Pennsylvania-Gary Onuschak (215) 776-4194

Alaska and Connecticut are NCCR's newest chapters and were formed during the past three months.

If you live in a state where there is an NCCR chapter, we urge you to join the chapter. Support efforts at both the national and state level to reform custody law and attitudes concerning children of separation and divorce. By becoming a member of the chapter, you also become a member of National NCCR.

If you would like to learn if a chapter is forming in your state, or if you would like to form a chapter in your own state or community, write to NCCR for our all-new Affiliation Booklet.

This 37-page booklet explains everything you want to know about affiliation.

Conference notes

About 30,000 conference flyers are being mailed to NCCR supporters and members of various other organizations during the Summer and early Fall. If you know of any people or groups who would be interested in receiving conference flyers, please let us know. Please plan to attend the conference — learning, listening, talking — and having fun as well.

To obtain information about the conference, call NCCR at (202) 547-NCCR (6227). To reserve a hotel room, call the Quality Hotel at (703) 524-4000, and ask for the NCCR conference rate. You may book a \$54 regular room or \$65 suite. The suites have kitchens. Rooms can accommodate up to four people.

Access

Continued from page 1.

non-custodial parents would result in voluntary improvements in child support compliance.

Although HHS requires an applying state only provide for five percent matching funds, the Iowa application provides for 20 percent matching funds, partially from fees to be paid by attorneys who would be attending continuing legal education workshops on access. The training would equip attorneys to advise non-custodial parents on their access enforcement rights.

The University of Texas Health Science Center in San Antonio, an affiliate of the state, applied for a grant to educate their citizens about: the new Texas "Friend of the Court" law; the new law in which the legislature requires judges to grant liberal visitation time to non-custodial parents; new support guidelines, mediation, and the policy of the state towards cooperative parenting.

The program also would measure the effect of this educational intervention on the public, according to Tom Prihoda, project leader for the proposal.

Purpose of Grants

According to the 1988 Family Support Act, which authorized the access grants, the money should be allocated for the "development of systematic procedures for enforcing access provisions of court orders, the establishment of special staffs to deal with and mediate disputes involving access both before and after a court order has been issued, and the dis-

semination of information to parents."

Congress requires an evaluation to measure the effectiveness of the projects in

- decreasing the time required for the resolution of disputes related to child access
- reducing litigation relating to access disputes, and
- improving compliance with court-ordered child support payments.

At a meeting on March 16, to which HHS officials invited NCCR and other groups, HHS officials stated that the agency would accept nominations for an outside committee to review the grant applications, and put them in rank order, for final selection by HHS officials.

After several groups, including NCCR, made nominations of individuals for the grant review committee, HHS officials decided there would be no independent grant review committee. They said the reviews would be made in-house by HHS officials, as is usually the case when grants are given. They did not explain why HHS had changed its mind regarding an outside committee.

At the March 16 meeting, NCCR and other groups were also invited to make their mailing lists available to HHS in order to send information about grant availability. NCCR provided mailing labels of its supporters, but HHS did not mail copies of the notice of grant availability until two months after these labels were provided.

As a result of the delay, the notices were not received by NCCR supporters until just a few days before the June 13 deadline for applying for grants.

It was then too late for recipients of the notices to contact state officials

to learn how they could assist the states in applying for grants, or to quality as subgrantees under state applications.

Ms. Matthews apologized to NCCR on behalf of HHS for the lengthy delay in the mail-outs.

Funds Sought for Next Year

Congress authorized \$8 million in the 1988 Family Support Act for access projects for 1990-91, with a maximum of \$4 million for each of those two years. Although only \$1.4 million is being released this year, Congress can fund up to \$4 million for next year.

NCCR President David Levy testified before a House committee and presented written testimony to a Senate committee requesting full funding of the \$4 million for next year. See NCCR's testimony below.

It is not yet known how much, if any, funds will be provided next year for access.

NCCR is credited by knowledgeable Capitol Hill sources as the group primarily responsible for convincing Congress to authorize the access projects. NCCR also persuaded Congress to use the word "access" in the law, rather than simply "visitation," because non-custodial parents are not mere visitors in their children's lives and access also stresses the child's rights to maintain relationships with both parents.

Michigan, and most recently Texas, are the only states that currently have statewide programs for administrative (not just judicial) resolution of access complaints. Individual counties in Maryland and Arizona also have programs to help resolve access disputes. (See related story below.)

NCCR Testifies

Statement of David L. Levy, Esquire before the House Subcommittee on Labor, HHS, Education and Related Agencies, April 24, 1990 at 2:30 p.m.

Chairman Natcher, and members of the subcommittee, we appreciate the opportunity to appear before you today.

Our National Council for Children's Rights (NCCR) supports the funding of

Sec. 504 of the Family Support Act, to provide \$4 million for access (visitation) demonstration projects for the coming year (1991).

I am here not only on behalf of the National Council for Children's Rights, but also on behalf of the Stepfamily Association of America, to which I have just been elected to the Board of Directors. The President of the Stepfamily Association of America, Sharon Hanna, has authorized

me to say that the Association also supports the funding of Sec. 504. The Stepfamily Association has 50 chapters in many states around the country.

Our National Council for Children's Rights has a nationally prominent advisory panel, including "Dear Abby" (Abigail Van Buren), U.S. Senators Dennis DeConcini (D-AZ) and David Durenberger (R-MN), and Norman Cousins, who has

See Testimony page 7

Testimony

Continued from page 6.

written on the relationships between health and family.

NCCR works to assure a child the right to two parents, regardless of the parents' marital status. We publish and distribute more than 60 books, reports, legal briefs, and children's materials on ways to strengthen families.

We hold an annual conference in the Washington, D.C. area, and we have won court cases in various states and before the U.S. Supreme Court.

We appreciate Congress' authorization of \$8 million in Sec. 504, half of which is to be spent in each of the fiscal years 1990 and 1991.

Chairman Natcher, you gave HHS the choice of how to allocate various demonstration grants. We appreciate your mentioning access first among the possible choices available to HHS to fund, and we appreciate that HHS has released \$1.4 million for the current fiscal year to the states for access enforcement.

But we need to do better. It is generally a good policy of yours, Chairman Natcher, to let the agency decide among various demonstration projects what to fund, and for how much.

But the exception proves the rule.

Access (visitation) is that exception. Please let me explain. The U.S. has substantial amounts of federal and state legislation to make parents pay child support.

The U.S. has tons of armaments, including billions of dollars of federal funds, wage withholding, liens, interception of tax returns, and other weapons to make parents pay.

We have only one little demonstration program on the other side. One small program for the children of America and their non-custodial parents.

We need an exception to your wise policy, Chairman Natcher, so that children may have access to their non-custodial parents.

This is important, especially as experience shows that where we pay attention to parenting, which is what access means, not only is parenting improved, but there is an improvement in child support collections, as well.

Michigan is the only state with long-time experience at having staff handle both support and access problems informally out of court.

Michigan "Friend of the Court" officials in Lansing credit Michigan's balanced staff system, and balanced state legislation, with the fact that Michigan collects

more child support per administrative dollar than any other state. HHS reports that Michigan collects \$8.33 for every administration dollar spent to collect.

Prince George's County, Maryland, has also proven that access enforcement works. Prince George's County, Maryland, a suburb of Washington, D.C. is the only county east of Michigan to have a full-time access (visitation) staffer. Prince George's County officials report a 75 percent success rate at resolving visitation problems, at an average time of 1 hour 37 minutes per case, at an average salary cost of \$15 per case.

Our National Council for Children's Rights has received an award for convincing Prince George's County to hire this access staff.

With funding, states and counties can hire staff, have "800" numbers, hire ombudsmen, and offer other enforcement mechanisms.

Our society has explored many ways to resolve the problem of drugs and crime in the streets. One thing we have not tackled sufficiently is parenting. Yet we know that family dissolution and family dysfunction are inextricably intertwined with drugs and crime. Children raised without sufficient values have no concern about what they do. The people who offer them values, their parents, are too often not around. This problem is compounded for children of divorce, who often lose a parent in the process of divorce.

Parental Bonds

Access (visitation) enforcement works to keep those parental bonds alive. Our society has heard a lot about those parents who do not support their children. But there are many caring parents who want to be more involved with their children, but find it difficult to do so. If you were to attend any one of the meetings held by the hundreds of support groups for non-custodial parents around the country, you would see parents trying hard to remain involved with their children. They and their children need your help, Chairman Natcher and members of the subcommittee, through the programs that can be established based on Sec. 504.

"Bringing Up Daddy"

In a remarkable piece call "Bringing up Daddy," on "60 Minutes" April 22, 1990, attention was focused on a small Urban League program in Boston that helps young unwed fathers who want to care for their

children. These young fathers are taught how to parent.

The access money in the Family Support Bill takes that caring approach one step further.

We respectfully ask you, Chairman Natcher, to give it your full support. Thank you.

NCCR Directory available

The second edition of NCCR's "Directory of Organizations" is now available. This Directory lists more than 1,200 organizations involved in custody reform, mediation, and family assistance. The Directory is very useful for making referrals around the country to and from your organization. For copies of the second edition, members send \$6.00 to NCCR, non-members send \$7.00.

F.A.C.E. (Fathers and Children's Equality) of Philadelphia has ordered a substantial number of copies of the Directory, for their own staff, and for placement in public libraries in the Philadelphia area.

NCCR in Federal Campaign

For several years, NCCR has been part of the annual charity drive held each October by federal employees in the Washington, D.C. area. This year, for the first time, NCCR is part of the national federal government charity drive. Every federal office, post office, and military base holds its annual charity campaign in October. NCCR is number 1079 in that campaign. NCCR will receive funds only if a contributor specifically designates NCCR; we receive no funds from any common "pool." This is a painless way to contribute, because funds can be deducted a little bit from each paycheck during the year. If you are a federal employee, please plan to help us in the October drive by designating NCCR (No. 1079) or asking others to do so. We have flyers you could distribute to government offices anywhere in the country. Please tell us how many flyers you would like to have. Thanks.

Tougher laws could hurt everyone, critic charges

David Levy believes that people mistakenly assume that spouse abusers are always men.

"Research shows that there is more battering of men than is shown in the police records," said Levy, president of the National Council for Children's Rights. The big difference is that men tend to hide it. "If a man strikes back, he is the abuser; if he reports it, he is a wimp."

That doesn't mean battered women deserve any less attention, Levy said, just that "domestic violence is often the trading of blows, and although men are usually stronger, guns and knives have proven to be the big equalizers."



David Levy

He believes that the legal system is doing a better job of handling spouse-abuse cases, but that courts "need to be careful to distinguish between proven, credible abuse on one hand and mere allegations on the other."

Levy criticizes the House resolution proposed by Rep. Connie Morella, R-Md., that would urge state legislatures to pass laws requiring domestic violence to be considered in child-custody disputes. "This resolution would be a powerful tool for vindictive custodial parents to wrench custody and visitation rights from non-custodial parents," he said.

"The resolution calls for lowering the standard of evidence in the courts to prove child and/or spouse abuse. All a judge would need is the slightest suggestion of spouse abuse — any lie will do."

He believes there is more likelihood of domestic violence in sole custody due to its competitive nature. "If you want a recipe for violence, you've got it right there, and Morella knows it. They (Morella bill advocates) are trying to shift the attention away from the real issue, which is the fact that women have exclusive control over children in most custody cases. To Morella advocates, joint custody is a threat to the exclusive control of children by women. I'm not for exclusive control of children by men, either. Children need both parents. This resolution could hurt women as much as men."

— Victoria Sackett and Paulette Walker

NCCR Makes the News

In addition to the *USA Today* article at left, NCCR has also received coverage from other national print and broadcast media based in New York City and Washington, D.C., including NBC Network Radio, CBS Network Radio, The World Report (a CBS national radio talk show), and the *Washington Post*, as well as local coverage in several parts of the U.S.

In a front-page *Washington Post* story June 28, NCCR President David L. Levy praised the U.S. Supreme Court's 5-4 decision allowing children in specific instances not to have to face their alleged abuser in open court. The case involved the use of one-way, closed-circuit television. Levy was quoted as saying "The Supreme Court is trying to walk a fine line between protecting children's rights and constitutional rights, and we think there are plenty of safeguards. They're requiring vigorous cross-examination and not tampering with other evidentiary rules, and at the same time giving children a breather."

Subscribe to Child Support Report

NCCR suggests that our readers subscribe to the Child Support Report, published by the U.S. Department of Health and Human Services, to learn more about what is happening in the child support area and to make suggestions for change. To order a free subscription to the Report, Write to Reference Center, Office of Child Support Enforcement, 370 L'Enfant Promenade S.W., Washington, D.C., 20447. The Report is sent to thousands of people involved in child support issues across the country.

We also suggest you write to Allie Matthews, assistant director of the Office of Child Support Enforcement at the above address, and support NCCR's efforts to get HHS to require the Census Bureau, which is funded by HHS, to ask fathers what they pay in child support, not just ask mothers what they receive. The Census Bureau should also ask obligor mothers what they pay, and recipient fathers what they receive. Complete data is needed to make informed public policy.

NCCR Logo Trademark

NCCR has received a federal trademark from the U.S. Patent and Trademark Office for the logo that appears on our letterhead and most of our reports and other materials. The trademark was issued May 22, 1990 under No. 1597410, and appears in the Principal

Trademark Registry in Washington, D.C. The logo is reproduced below. While the application for a trademark was pending, NCCR was authorized to print "TM," i.e. "trademark," after the logo. Now, we will print an "®," i.e. "Registered" wherever it is used.



SPECIAL
4-PAGE PULLOUT!

Evaluating and Presenting Joint Custody Research: A Guide for Joint Custody Advocates

By NCCR Staff

Part I of a series of articles. Part II will appear in the next NCCR newsletter (Fall, 1990). NCCR will issue a report later this year that expands even further on the material presented in these articles.

Introduction

Research on child custody that is comprehensive in nature, based on true national samples, and presented objectively in both professional journals and the mass media, simply does not exist. However, numerous small, but well-done studies have been available for many years. These studies, when carefully analyzed on a study-by-study basis and when considered as a group, provide a sound basis on which to formulate laws and public policy dealing with custody.

From the point of view of advocates and policymakers involved in custody issues, presentations or descriptions of research results are as important as sampling procedures and assessment/evaluation/analytical techniques.

Presentations of research in professional journal articles customarily consist of two major components: first, how one's own research relates to the research of others, and second, a thorough description of the limitations as well as sampling/evaluation/analytical techniques of one's own research.

Recently published joint custody research, by Dr. Judith Wallerstein and her colleagues of the Center for Family in Transition in Corte Madera, California, is frequently used by opponents of joint custody in their efforts to weaken current joint custody legislation or to prevent passage of pending joint custody bills.

Due to the serious limitations of the studies on custody by Wallerstein and her colleagues, there is nothing in their work to warrant a weakening of joint custody laws in this country.

Listed below are studies that should be considered when joint cus-



Shirley Hanson

tody researchers discuss how their research relates to the findings of others.

Presentation of Findings

Research which compares children in sole and joint custody families obviously can have different outcomes when using different techniques of measuring personality traits such as self-esteem, adjustment, and social interaction. Though it is not unusual to find both positive and neutral outcomes in the same study, it is quite rare to find a negative outcome for children of joint custody families.

Joint custody children are the recipients of numerous benefits other than those assessed by standard psychological measures. These include greater satisfaction regarding amount of time spent with both parents, a realistic relationship with both parents, a greater likelihood that both parents will remain involved in the child's life, a greater likelihood that both sets of grandparents will remain involved, and a greater likelihood that both parents will be more satisfied with the custodial arrangements, etc.

Studies with Positive Results

When reviewing joint custody findings, check any author's bibliography as well as the discussion and summary sections to see how many of

the following studies with positive results, which are presented below in chronological order, are included.

1. Roman, 1978, in an analysis of 40 joint custody families and 60 sole custody families with varying custodial arrangements, found that children of joint custody were "thriving," not just "adjusting."

2. Nunan, 1980, compared 20 joint custody children between the ages of 7-11 with 20 age-matched



Nancy Thoennes

children in sole custody, all from families which had been divorced or separated at least two years. However, for children four or older at time of separation, joint custody children were found to have higher ego strengths, superego strengths, and self-esteem and were less excitable and impatient than their sole custody counterparts. For children under four at the time of separation, there were no differences.

3. Luepnitz, 1980, studied joint, maternal, and paternal custody families. Most single parent children were found to be dissatisfied with the amount of visitation they had, whereas the joint custody children were content with their arrangements. The quality of time spent with parents

Continued on next page

differed between the groups. The joint custody children retained a normal parent-child relationship, whereas sole custodial children had a relationship with their non-custodial parent similar to a relationship between a child and an aunt or uncle. Joint custody parents were less likely to feel overburdened by parenting responsibilities as compared to sole custody parents.

4. Welsh-Osaga, 1981, compared children aged 4 1/2 to 10 years in intact families, as well as joint, maternal, and paternal custody families. Children in all four groups were found to be equally well adjusted on the various standardized measures used. Children from joint custody families were more satisfied with the time spent with both parents than children from intact, maternal, and paternal custody families. Parents in joint custody families were significantly more involved in their children's critical life events than were sole custody parents.

5. Karp, 1982, compared children aged 5-12 years in joint and sole custody as well as intact families. This study is unique because the parents had been separated for three months or less, whereas other studies assess adjustment two or more years after separation. Results indicated that girls in joint custody had significantly higher self-esteem than girls in sole custody. Boys and girls in single custody had significantly more negative involvement with their parents than did children in intact families. However, this was not true for children of joint custody. There was also an increase in sibling rivalry when sole custody children were visiting with the non-custodial parent.

6. Cowan, 1982, compared 20 sole maternal and 20 joint custody families. It was found that the more time children spent with their mothers, the more rejecting both parents were perceived to be, and the less well-adjusted were the children. The more time children spent with their fathers, the more accepting both par-

ents were perceived to be, and the more well-adjusted were the children. Children in joint physical custody were rated as better adjusted by their mothers, were less likely to blame the father for the divorce, and had parents who were more supportive of each other.

7. Pojman, 1982, compared adjustment of boys aged 5-13 years in sole maternal custody, joint custody, happy marriages, and unhappy marriages. Boys in joint custody were significantly better adjusted than boys in sole custody and looked much like boys in happy families.

8. Livingston, 1983, compared children in sole maternal, sole paternal, joint custody with mother as primary residential parent, and joint custody with father as primary residential parent. Children in joint custody — both boys and girls — were found to be better adjusted.

9. Patrician, 1984, investigated the extent to which conflict between parents is encouraged by unequal legal recognition of parental rights. Ninety fathers imagined themselves in one of three situations — non-custodial, custodial, or joint-legal custodial parent. Joint legal custody was found to encourage concern for parental cooperation and discourage self-interest. Sole custodial and non-custodial status encouraged punishment-oriented persuasion strategies. Unequal legal custody power inhibits interparental cooperation, whereas equal legal-custody power facilitates interparental cooperation.

10. Shiller, 1984, compared 20 boys aged 6-11 years in joint custody, to 20 age matched boys in sole maternal custody. Interviews with the boys as well as both parents were held. A number of tests were administered which indicated boys from joint custody families were better adjusted than boys from maternal custody families.

11. Granite, 1985, studied children aged 9-12 years in 15 joint, 15 maternal, and 15 paternal custody families. While there were no differences among the three groups of children in self-concept, there were differ-

ences in the way the children perceived their parents. In both types of sole custody homes, the custodial parent (both mothers and fathers) were perceived as using psychological pressure techniques to control children such as inducing guilt, and intruding in their children's peer relationships. However, in joint custody homes, where the responsibility for children was shared equally, children did not significantly perceive their parents as using psychological pressure techniques to control or interact with them.

12. Bredefeld, 1985, studied the effects of remarriage on physical joint and sole custodial mothers and their children. Both sole and joint custody children adjusted well to the remarriage of their mothers, with no significant differences found between the two groups. However, joint custody couples expressed more satisfaction with their children as well as indicating that they appreciated the time alone with their new spouse. Sole custody children more frequently reported their father saw them less often as a result of the remarriage of their mother than did joint custody children.

13. Handley, 1985, studied latency age children in sole and joint custody. Joint custody children were more satisfied with their living arrangements and less likely to have a sense of loss and deprivation compared to sole custody children.

14. Noonan, 1985, studied the effects of long-term conflict on personality function of children in joint custody, sole custody and intact families. Children in joint custody were significantly more active than children in intact families and in sole custody. Children in certain low-conflict situations demonstrated considerably less withdrawal in joint custody families than in sole custody and intact families.

15. Raines, 1985, describes a survey of over 1,200 children whose parents were divorcing. It was found 90 percent of children under the age

Continued on next page

of eight had a strong desire to live with both parents, 76 percent between eight and 10 wished to live with both parents, 44 percent between the ages of 10 and 12 wished to do so and only 20 percent between 14 and 16 would desire to live with both parents.

16. Wolchik, Braver, and Sandler, 1985, compared children in sole maternal custody, joint physical custody, joint custody with mother as primary residential parent and joint custody with father as primary residential parent. Children in joint custody reported significantly more positive experiences than children in maternal custody. Self-esteem was higher for children in joint custody.

17. Hanson, 1986, investigated 42 healthy single parent families — 21 joint and 21 sole custody families. Hanson found joint custody arrangements contribute positively to the mental health of mothers. Mothers with sole custody of sons had the least amount of social support and mothers with joint custody of sons had the most. Custody arrangements have an effect on parent-child problem solving with mothers reporting better problem-solving than fathers and joint custody mothers reporting the best problem-solving of all.

18. Pearson and Thoennes, 1986, compared child support payments by various sole and joint custodial configurations. Fathers with joint legal and residential custody, who were ordered to pay child support, had the best record of payment with a 95 percent compliance rate. Fathers with children in sole maternal custody arrangements had the lowest compliance rate with 65 percent. Fathers with joint legal custody but maternal residential arrangements had a 90 percent compliance rate.

19. Isaacs, Leon, Kline, 1987, compared children in five custodial groups — joint physical, joint legal-maternal, joint legal-paternal, sole maternal, and sole paternal to learn how children perceive their non-custodial and non-residential parents in

relation to their other family members. On the measurement used, sole custody children were three times more likely to omit one parent than the joint custody children.

20. Williams, 1987, compared children of joint and sole custody in high-conflict, high-risk situations. He found children in sole custody to be at greater risk for parental kidnapping and physical harm than children in joint custody. He also found that high-conflict families — either joint or sole custody — do better and are more likely to learn cooperation when they have comprehensive, highly detailed orders which leave little or nothing open to negotiation. He points out that none of the research to date on highly conflicted families has analyzed this group from the highly detailed nothing-left-to-negotiation order versus the little detailed-a-lot-left-to-negotiation order.

21. Maccoby, Depner, and Mnookin, 1988, found joint physical custody children's parents had significantly less difficulty finding time to be with their children than did sole custodial parents. Mothers with joint physical custody were more satisfied with their custody arrangements than sole custodial mothers where fathers visited.

22. Lehrman, 1990, compared 90 children aged 7 to 12 divided equally among maternal, joint legal, and joint physical custody groups. Joint physical and joint legal custody children had significantly fewer emotional behavioral problems than did the sole custody subjects. Sole custody children had greater self-hate and perceived more rejection from their fathers than joint physical custody children.

23. Pearson and Thoennes, 1990, while they did not find custody to be significant in explaining adjustment, they did find regular visitation to be significant in a number of factors explaining positive adjustment patterns.

24. Bisnaire, Firestone, and Rynard, 1990, found visitation to be a significant factor in enabling children to

maintain predivorce academic standards.

Awareness of Positive Results

If the above mentioned studies do not appear anywhere in a researcher's work that compares children in sole and joint custody, it indicates the researcher is not aware of these studies. If a study is listed in a researcher's bibliography and not referenced in the introduction or discussion section of the article, it indicates the author is at least aware of it. Researchers comparing joint and sole custody outcomes for children should be aware of the above mentioned articles, dissertations, papers, and abstracts.

Most dissertations comparing various aspects of joint and sole custody are not published in journals, but they are readily available from University Microfilms International, 300 North Zeeb Road, Ann Arbor, Michigan 48106, or by calling toll-free 800-521-3042.

It is unacceptable for researchers, for example, Dr. Wallerstein, who feel their research is an appropriate basis on which to formulate custody law, to be either unfamiliar with this research, or fail to mention it in their papers.

Researchers who are familiar with all other work focusing on their particular area of interest will learn which questions have been answered and which must be asked. They will also learn the best sampling techniques, methods, and measures to be used for objective results.

Conversely, researchers can also use such knowledge to reach predetermined results. Children's advocates who are familiar with the above studies can quickly place new joint custody studies into the proper perspective. For example, if the above research is presented objectively, the positive results will be mentioned. If, however, the author wishes to present joint custody in the least favorable light, they will neglect to mention the positive results.

Continued on next page

Misrepresented and Misused

The most misrepresented and misused research by opponents of joint custody is the Wallerstein-McKinnon paper describing preschool children in joint custody (Wallerstein, McKinnon, 1986). This paper presents joint custody for young children in a negative light. This seriously flawed paper represents descriptive research—not comparative research.

Because only joint custody children are described in the Wallerstein-McKinnon paper, sole custody children in other studies (Hetherington, Cox, and Cox, 1982; and Wallerstein and Kelly, 1980) which show preschoolers to have equivalent or more serious problems should have been presented in detail. However, they weren't discussed. Also, Nunan's 1980 study mentioned above is pertinent. It is not mentioned. In fact, not one study showing positive results is mentioned in the Wallerstein-McKinnon paper.

The Kline, Tschann, Johnston, and Wallerstein (1989) paper, describing children in non-conflicted joint and sole custody families, is being used by opponents of joint custody to show that even under the best of circumstances, joint custody offers no benefits over sole custody.

Only one study (Shiller, 1986) is mentioned in this paper as having a positive outcome for joint custody children. Two other studies which show positive benefits on some parameters are inappropriately described as follows by Wallerstein: "Some quantitative studies have found no differences in symptomatology between joint and sole custody children (Luepnitz, 1982, 1986; Wolchik, Braver, and Sandler 1985)...."

Yet Wolchik, Braver, and Sandler also found joint custody children to have significantly more positive experiences and higher self-esteem than their sole custody counterparts. Luepnitz points out that joint custody children retained a more normal parent-child relationship than the visitation-type relationship of sole custody children.

Thus, of the 24 studies mentioned above published from 1978 to 1988 which show positive results on some parameters, only one is presented in Wallerstein's paper indicating positive results, with another two indicating only neutral results. The other 21 studies are not mentioned at all.

Why didn't Wallerstein and her colleagues mention the positive outcomes as well as the neutral outcomes?

Failure to mention or emphasize positive joint custody results of other researchers as well as her own past positive results is typical of the recent research by Dr. Wallerstein and her colleagues.

The best review of joint custody published to date is Joan B. Kelly's 1988 paper (see number 10 below) appearing in the *Journal of Family Psychology*. It is strongly recommended that advocates become thoroughly familiar with her review.

- 1) Bisnaire, L.M.C., Firestone, P., and Rynard, D. (1990). Factors associated with academic achievement in children following parental separation. *American Journal of Orthopsychiatry*, 60(1), 67-76.
- 2) Bredefeld, G.M. (1985). Joint custody and remarriage: its effects on marital adjustment and children. Doctoral dissertation, California School of Professional Psychology, Fresno. UMI Order No. 85-10926.
- 3) Cowan, D.B. (1982). Mother custody versus joint custody: Children's parental relationship and adjustment. Doctoral dissertation, University of Washington. UMI Order No. 82-18213.
- 4) Granite, B.H. (1985). An investigation of the relationship among self-concept, parental behaviors, and the adjustment of children in different custodial living arrangements following a marital separation and/or a divorce. Doctoral dissertation, University of Pennsylvania, Philadelphia. UMI Order No. 85-23424.
- 5) Handley, S. (1985). The experience of the child in sole and joint custody. The experience of the latency age child in sole and joint custody: A report on a comparative study. Doctoral dissertation, California Graduate School of Marriage and Family Therapy.
- 6) Hanson, S.M.H. (1985). Healthy single parent families. *Family Relations*, 35, 125-132.
- 7) Hetherington, M., Cox, M., and Cox, R. (1982). Effect of divorce on parents and children by M. E. Lamb, ed. *Nontraditional Families: Parenting and Child Development*. Lawrence Erlbaum Associates, Hillsdale, New Jersey: 1982.
- 8) Isaacs, M.B., Leon, G.H., Kline, M. (1987). When is a parent out of the picture? Different custody, different perceptions. *Family Process*, 26, 101-110.
- 9) Karp, E.B. (1982). Children's adjustment in joint and single custody: An empirical study. Doctoral dissertation, California School of Professional Psychology, Berkeley. UMI Order No. 83-6977.
- 10) Kelly, J.B. (1988). Longer-term adjustment in children of divorce: Converging Findings and

Implications for Practice. *Journal of Family Psychology*, 2, 119-140.

- 11) Kline, M., Tschann, J.M., Johnston, J.R., & Wallerstein, J.S. (1989). Children's adjustment in joint and sole physical custody families. *Developmental Psychology*, 25, 430-438.
- 12) Livingston, J.A. (1983). Children after divorce: A psychosocial analysis of the effects of custody on self-esteem. Doctoral dissertation, University of Vermont. UMI Order No. 83-26981.
- 13) Luepnitz, D.A. (1980). Maternal, paternal, and joint custody: A study of families after divorce. Doctoral dissertation, State University of New York at Buffalo. UMI Order No. 80-27618.
- 14) Luepnitz, D.A. (1982). *Child Custody: A study of families after divorce*. Lexington, MA: Lexington Books.
- 15) Maccoby, E.E., Mnookin, R.H., and Depner, C.E. (1986, May). Post-divorce families: Custodial arrangements compared. Paper presented at the meeting of the American Association of Science, Philadelphia.
- 16) McKinnon, R., and Wallerstein, J.S. (1986). *Joint Custody and the Preschool Child. Behavioral Sciences and the Law*, 4, 169-183.
- 17) Noonan, L.P. (1985). Effects of long-term conflict on personality functioning of children of divorce. Doctoral dissertation, The Wright Institute Graduate School of Psychology, Berkeley, CA. UMI Order No. 84-17931.
- 18) Nunan, S.A. (1980). Joint custody versus single custody effects on child development. Doctoral dissertation, California School of Professional Psychology, Berkeley. UMI Order No. 81-10142.
- 19) Patrician, M.R. (1984). The effects of legal child-custody status on persuasion strategy, choices, and communication goals of fathers. Doctoral dissertation, University of San Francisco. UMI Order No. 85-14995.
- 20) Pearson, J. and Thoennes, N. (1986). Will this divorced woman receive child support? Your custody decision may determine the answer. *The Judges Journal*, Winter, 1986.
- 21) Pearson, J. and Thoennes, N. (1990). Custody after divorce: Demographic and attitudinal patterns. *American Journal of Orthopsychiatry*, 60(2), 233-249.
- 22) Pojman, E.G. (1982). Emotional adjustment of boys in sole custody and joint custody compared with adjustment of boys in happy and unhappy marriages. Unpublished doctoral dissertation, California Graduate Institute, Los Angeles.
- 23) Roman, M. and Haddad, W. (1978). The case for joint custody. *Psychology Today*, September 1978, 96.
- 24) Shiller, V. (1984). Joint and Maternal custody: The outcome for boys aged 6-11 and their parents. Doctoral dissertation, University of Delaware. UMI Order No. 85-11219.
- 25) Shiller, V. (1986). Joint versus maternal families with latency age boys: Parent characteristics and child adjustment. *American Journal of Orthopsychiatry*, 56, 486-489.
- 26) Wallerstein, J.S., and Kelly, J.B. (1980). *Surviving the Breakup: How children and parents cope with divorce*. New York: Basic Books.
- 27) Wallerstein, J.S., and Blakeslee, S. (1989). *Second changes: Men, women, and children after divorce*. New York: Ticknor & Fields.
- 28) Welsh-Osaga, B. (1981). The effects of custody arrangements on children of divorce. Doctoral dissertation, University of South Dakota. UMI Order No. 82-6914.
- 29) Williams, F.S. (1987). Child custody and parental cooperation. Paper presented at American Bar Association Family Law Section, August 1987 and January 1988.

In the State Courts

Great-Aunts not entitled to Grandparents' Visitation

The Arkansas Court of Appeals has upheld a lower court's decision that a woman cannot enforce visitation with her grandnephew over the objections of both of the child's divorced parents, despite the woman's argument that she had cared for the child over extended periods of time. According to the appeals court, a state statute which grants a child's grandparents reasonable visitation rights does not expressly include great-aunts. The court noted that the great-aunt had never had legal custody of the child.

Hendershot v. Hendershot; Ark Ct.App. No. CA-89-425, 2/28/90.

Child Support Due for Concealed Child

A custodial parent's concealment of a child from a non-custodial parent is not a defense to an action to recover child support arrearages from the non-custodial parent, the California Court of Appeal, First District, has decided. A 1985 case (Solberg v. Solberg) held that concealment can be a defense for arrearages for the period when the child was hidden from its other parent. However, the Court of Appeal dis-

agreed with the 1985 decision, ruling that the state legislature intended in statute law to separate support and visitation rights. In the case before the Court of Appeal, the parents were divorced in 1973, and the mother was awarded custody of the two children. Subsequently, she remarried and moved to Oklahoma, and the father stopped paying child support. He was unable to find the children until they contacted him in 1982. The Court of Appeal upheld the mother's claim that the father should pay arrearages of child support for the period from 1975 to 1982.

(Tibbett v. Tibbet, Calif CtApp 1st Dist, No. A046030, 2/28/90, released 3/20/90).

Hague Convention Case

The two minor children whose mother removed them to Illinois from Austria (their country of normal residence), without the consent of their father, must be returned to Austria, under the terms of the Hague Convention on the Civil Aspects of International Child Abduction, an Illinois court has ruled. The mother arrived in Chicago with the children in February 1989, and immediately filed a divorce

and custody petition in the Cook County Circuit Court. Ten months later the father filed an action in the same court under the Hague Convention, seeking the children's return to Austria. The court held that the father had proved that the children had been wrongfully removed and retained by the mother, and that the mother had failed to prove any harm was likely to result to the children from being returned to the father.

(Palle v. Palle), Ill Cir Ct Cook Cty, No. 90 D 1181, 2/23/90.

College Expenses Enforceable in Voluntary Agreement

A written stipulation in a couple's divorce judgment that the father would pay \$6,000 a year towards a son's college expenses is enforceable, the Michigan Court of appeals has ruled. The Appeals Court made its decision, despite a recent state supreme court ruling in Smith v. Smith, that a court cannot order post-majority (after age 18) child support. The Appeals Court said the Supreme Court ruling does not affect agreements made voluntarily, such as that in the case before it.

(Aussie v. Aussie, Mich CtApp, No. 10328, 3/5/90, released 4/10/90).

Conference Announcements

National Congress for Men

The National Congress for Men (NCM) will hold its tenth anniversary conference in Houston, Texas, on September 9-16, 1990. The conference will feature 12 workshops, a judge's forum on custody, a Sen. Lloyd Bentsen scholarship award, and a Texas-style barbecue. For information, contact the Convention Director, 1-800-366-8786.

NASVO-VOCAL Conference

The National Association of State Vocal Organizations (NASVO-VOCAL), which seeks to prevent child abuse, will hold its sixth national conference and reunion in Sunnyvale, Calif. at the California Sunnyvale Hilton Sept 21-23. For information, call Dr. Ed Carlson, (813) 347-0728.

American Legislative Exchange Council

The American Legislative Exchange Council (ALEC), a conservative think tank focusing on state legislative issues, with a membership of approximately 2,300 state Democratic and Republican legislators and 700 corporate members, was scheduled to hold its 17th annual conference in Boston, Massachusetts on July 24-29, 1990. For information on the outcome of this conference, contact ALEC, at 214 Massachusetts Avenue N.E., Washington, D.C. 20002, or phone (202) 547-4646.

Advertise in
Speak Out For Children.
Call (503) 325-8828 for rate information.

Volunteers Still Needed

In response to a request for help in our Spring, 1990 issue, Mary Burr, former legislative vice president for Parents Without Partners International, volunteered to organize the media awards program. Volunteers are still needed in these areas.

— in Washington,

- responding to inquiries in our Capitol Hill Office.
- helping with advocacy on Capitol Hill.
- helping with mail-outs and phone calls to NCCR supporters.
- from anywhere in the country,
- contacting foundations and corporations for funding.
- helping to form a Political Action Committee.
- holding a fund-raiser for NCCR and your local group (bake sale, dinner honoring a children's rights advocate, used book sale, etc.).

Bills Pending in Congress

Domestic Violence Resolution Deferred

A House committee has apparently deferred any action on a Domestic Violence Resolution that would lower the standard of evidence in courts to prove child or spousal abuse.

The committee, chaired by Barney Frank (D-MA), held a hearing on May 15, but has not attempted to pass the Resolution (H. Con. Res. 172).



Rep. Barney Frank

Resolutions are considered to be non-controversial. However, there is a substantial amount of controversy surrounding this particular resolution, with some members of Congress concerned about its wording.

Although resolutions do not have the force of law, they deliver a message to the states concerning the thinking of Congress. On some occasions, the states follow through by legislating the thinking of Congress.

The committee hearing featured Congresswoman Connie Morella (R-MD), the sponsor of the Resolution, and experts for and against the Resolution.

Speakers against the Resolution included Carla Goodwin, a guardian ad litem for the Plymouth and Suffolk County Family Courts in Massachusetts, who said the wording of the resolution would mean that mere "allegations" of spousal abuse could create a statutory presumption against joint custody.

Goodwin pointed out that some parents initiate an order to end visitation of children with non-custodial parents by using the "ploy" of spousal abuse. The mere allegation, she said, is enough to taint a parent in his or her quest for visitation or custody.

Goodwin said spouse abuse should not become a categorical denial of custody but rather a categorical

mandate for treatment of the abuser, the battered spouse, and the child. This should occur before the final divorce, with courts and police working hand in hand in making the mandate for treatment.

Another speaker at the committee hearing, Donald Gordon, professor of psychology, Ohio University at Athens, said the answer to abuse is to decrease the number of sole custody awards. The most common environment associated with child abuse, according to Gordon, is the single mother household with either the mother or her mate (boyfriend, stepfather) being the perpetrator (Mayhall & Norgard, 1983; Straus, 1980).

Gordon did not single out mothers as more dangerous to children, but only noted that children spend more time with single mothers than they spend with single fathers.

Gordon predicted "an increase in exaggerated and false allegations of spouse abuse" especially because the resolution is silent regarding penalties for false reports of abuse.

Another expert, R. L. McNeely, co-author of an article in the *National Association of Social Workers* magazine entitled "Social Work," Nov/Dec. 1988, said he was not testifying for or against the resolution, but rather was attempting to shed light on the nature of domestic violence.

After reviewing all the research on domestic violence, McNeely said he and the co-author of the article, Gloria Robinson discovered that "it is a gross error to conceptualize and classify spousal violence as a women's issue rather than a human issue."

He said researchers find that violence against men is as prevalent as violence against women. One implication of this finding, McNeely said, is that the resolution of custody conceivably could result in rights being denied to more mothers than imagined by most members of Congress. He also indicated that hundreds of thousands of families undergo investigations based on unfounded reports of abuse each year.

In response to the argument that abuse by women is only self-defense against men, McNeely said this would not account for the finding by researchers such as Straus and Gelles in the *Journal of Marriage and the Family*, Vol. 48, 1986 that women have slightly higher involvement in serious violence than men, although men do more damage when they commit violence.

The resolution on Domestic Violence was the subject of an "Action Alert" to NCCR supporters in January, 1990 and past newsletter articles.

NCCR welcomed the opportunity provided by the subcommittee to recommend several of the speakers who testified at the hearing.

Housing Certificates Proposed

H.R. 2951. Sponsor: Rep. Connie Morella (R-MD). A bill to provide housing certificates and vouchers for families that are homeless or displaced families because of domestic violence. The bill is flawed because it contains no definition of domestic violence and no requirement of proof of domestic violence. Pending before the House Subcommittee on Housing and Community Development, (202) 225-7054. No hearing scheduled yet.

Judicial Training Act

H.R. 2952. Sponsor: Rep. Connie Morella (R-MD). A bill to amend State Justice Institute Act of 1984 to carry out research and develop judicial training curricula relating to child custody litigation involving domestic violence. This bill is flawed because the training does not recognize the possibility of false allegations of abuse, and development of techniques for distinguishing between real and false accusations. Pending in Subcommittee on Courts, Intellectual Property and the Administration of Justice, (202) 225-3926. No hearing scheduled yet.

Continued on next page

Interstate Commission Urged to Act on Emotional Support

Don Chavez of New Mexico, who represents non-custodial parents on the Interstate Child Support Commission, has requested the Commission to adopt a definition of support that would include emotional as well as financial support.

The commission was established by Congress as part of the 1988 Family Support Act to hold hearings around the nation, to deliberate, and to make recommendations to Congress.

At a recent meeting in Washington to organize the Commission, which consists of 14 members, seven appointed by the U.S. Secretary of Health and Human Welfare, and eight of whom were appointed by House and Senate leaders, the Commission considered Chavez's recommendation, but did not act on it.

Chavez was unable to attend the meeting. His statement, which was read to the commission, also recommended that in-kind contributions be considered as part of financial child support.

After lengthy debate, the Commission adopted the following mission statement:

"To improve the lives of children and families by strengthening parental responsibility for child support by reporting to Congress recommendations for laws, policies, and procedures that promote a uniform, efficient, and equitable interstate child support system."



Margaret Haynes

NCCR discussed this matter (of emotional child support) with a commission member following the meeting, who said he understood that the mission statement included emotional support. When NCCR pointed out such support was not mentioned in the statement, the commission member said he thought there was wide support on the commission for consideration of access (visitation) issues and that future recommendations by the commission would cover access topics.

Margaret Haynes, director, National Legal Resource Center for Child Advocacy and Protection, American Bar Association, Washington, D.C., was elected by the commission as its chairperson.

The high visibility of this commission makes it imperative for individuals and groups concerned with domestic relations issues to make their

views known to the commission.

The first of several hearings around the country by the commission will be held in Baltimore on Aug. 27-28. NCCR has been invited to testify.

If you would like further information about the commission, its hearing schedule, or addresses of the members, contact Margaret Haynes, c/o the American Bar Association, 1800 M Street N.W., Washington, D.C.

We printed the names and current position of the members in our Spring, 1990 newsletter.

NCCR interns Melanie Blair and Carolyn Watson were observers at the two-day commission meeting.

Brian B. O'Brien
Attorney at Law
P.O. Box 651
Weston, MA 02193

Children's Rights
Parent's Rights
Grandparent's Rights
Custody
Support
Divorce

(617) 891-7014

Bills

continued

S. 1761 and H.R. 3537. Sponsors: Sen. Barbara Mikulski (D-MD) and Rep. Kweisi Mfume (D-MD). A bill to establish a national center for information and technical assistance relating to all types of family resource and support programs, and for other purposes. The center, to cost \$3 million dollars, would provide community-based services to help



Sen. Barbara Mikulski

families in their development, such as childrearing and supportive networking information. Pending before the Senate Subcommittee on Children, Families, Drugs and Alcohol (202) 224-5630, and the House Subcommittee on Human Resources (202) 225-1025.

For copies of bills, contact your Representative or Senators in Washington, D.C. or at their District offices. House bills may also be obtained by calling the House Document Room at (202) 225-3456; Senate bills may be obtained by writing to the Senate Document Room, Room B04, Hart

Building, Washington, D.C. 20510.

To let your members of Congress know your position on a bill, write or call them. The address for all Senators is Senator ____, U.S. Senate, Washington, D.C. 20510. The address for all House members is Representative ____, U.S. House of Representatives, Washington, D.C. 20515.

The subcommittee handling the bill can tell you if the status of a bill has changed (e.g., hearings scheduled, committee vote scheduled, etc.).

The above are only only a few of the bills before Congress affecting families.

Around the Country

Washington, D.C.

Child Support Guideline

The Washington, D.C. City Council passed a child support guideline virtually identical to the guideline that was thrown out by the D.C. Court of Appeals last October as unfair. The Guideline was signed into law by Mayor Marion Barry on May 30, 1990.

Although the amount of support due in many cases under this guideline was reduced by a few percentage points from the previously invalidated guideline, the result would still pay a salary to the custodial parent. The guideline also contains unstated assumptions that cannot be rebutted in a court case, because litigants would not know the basis for these assumptions.

The previous guideline, which had been adopted by a court committee, was successfully challenged in court by The National Council for Children's Rights and the Greater Washington Area Chapter, Women's Division of the National Bar Association (GWAC). Ron Henry, a partner in the Washington office of the Texas-based law firm of Baker and Botts, wrote the brief that prevailed in court.

NCCR and GWAC are contemplating another suit in the D.C. Courts to challenge the guideline on due process grounds.

Alaska

Visitation Demonstration Project

In May, the legislature passed a visitation/mediation demonstration project for the Anchorage region. The legislature provided \$100,000 in state funds for the 18 month project. Under the program, mediators will receive access complaints and handle them either by telephone resolution or by person-to-person mediation. There is a provision for mediation training with representatives of custodial and non-custodial parents groups invited to participate in the training. The project had been recommended by a legisla-

tively created task force of the family, of which Sandra Armstrong of Alaska Dads and Moms and Steve Strube of the Alaska Family Support Group were members. Both Alaska Dads and Moms and the Alaska Family Support Group are affiliated with NCCR. "NCCR helped tremendously in the formulation and advocacy for the legislation," said Sandra Armstrong. "All of our affiliate chapters are reporting more success this year than they had last year," said NCCR President David L. Levy. "We are all becoming more highly organized, and the focus on children's rights is helping tremendously."

Pennsylvania

Rally in Philadelphia

Fathers and Children Equality (F.A.C.E.) held a rally near the Liberty Bell in Philadelphia on June 16, the day before Fathers' Day. The focus of the day was on father/child relationships, with speakers including Peg O'Shea, founder of the Defender Child Advocacy Unit in the Family Courts of Philadelphia, and NCCR President David L. Levy. Remarks by Levy, rally spokesman R. Scott Hallman, and others were broadcast on Channels 3, 10, 29, and 6 in the tri-state (Pennsylvania, South Jersey, Delaware) area later that day. Eleanor and Al Hilton were coordinators of the Rally, with Bill Glassmire assisting. F.A.C.E. is under new leadership of Hallman as president, and John Pulcinella as vice-president.

New Jersey

New Joint Custody Law

A bill signed into law in May by Governor Jim Florio makes joint custody a strong option in divorce. The new law contains a statement that "the legislature finds and declares that it is public policy of this state (New Jersey) to assure minor children of frequent and continuing contact with both parents after the parents have separated or dissolved their marriage, and

that it is in the public interest to encourage parents to share in the rights and responsibilities of childrearing in order to affect this policy." This policy statement, plus the fact that joint custody is listed first in the statute (before sole custody) elevates joint custody above a mere option, according to Bruce Gillman, president of the New Jersey Council for Children's Rights (NJCCR). The new law also requires judges to enter into the record their reason for the type of custody they decree when the custody arrangement is not agreed to by both parents. NCCR supports this provision because appeals will be easier when they are based on a judge's written findings. "NCCR's support was appreciated in helping us get the best legislation possible this year," said Gillman, whose New Jersey Council for Children's Rights is an affiliate of NCCR.

Pennsylvania

Federal Parent Locator Service

The Federal Parent Locator Service (FPLS) is a computerized national parent location network operated by the Office of Child Support Enforcement (OCSE) in the U.S. Department of Health and Human Services in Washington, D.C.

The FPLS was originally established to provide state and local Parent Locator Services (PLS) with address and social security number information on parents to enforce child support orders. In 1980 the Parental Kidnapping Prevention Act broadened the mission of the FPLS by allowing its use by authorized persons in parental kidnapping and child custody cases for the limited purpose of criminal actions and civil contempt cases.

An authorized person can request a search for a parent through the FPLS, using the records of six federal agencies. A parent wanting to use the services of the FPLS for parental kidnapping or child custody cases must contact authorized persons in their state

Continued on next page

Around the Country

of residence to initiate the search for the missing parent and children.

Authorized persons include: State court judges, state police, and prosecutors. To initiate an active inquiry by the FPLS, the parent should request such authorized persons to certify that the inquiry is required to enforce a criminal custodial interference case, or to enforce child custody or visitation — a formal court order may be required. Any information on the abducting parent is turned over to the State Parent Locator Service, the local PLS and the local authorized person or agencies.

Philadelphia's PLS is supervised by William McMonagle. Mr. McMonagle and his staff have been extremely sympathetic and successful at locating parents in support cases, and in child snatching or custody cases. In addition to local resources, the PLS Unit has access on site to a terminal of the Pennsylvania Department of Public Welfare, Federal Parent Locator Terminal, and Pennsylvania Bureau of Motor Vehicles Terminals. Their services are provided for all appropriate domestic relations cases.

Every state maintains a state parent locator service which performs

similar investigative services.

— Adapted by NCCR from article submitted by Thomas Kerrigan, Members' Service Chairman, Fathers and Children's Equality (FACE), Philadelphia. HELPLINE Number (215) 688-4748

NCCR's Note: "Resident parents" are also "authorized persons" and have easy access to the Federal Parent Locator Service to enforce support orders, but non-custodial parents are not authorized persons. Thus, non-custodial parents must be fortunate enough to find an "authorized person," such as William McMonagle to place their request on the FPLS. Even then, there are substantial hurdles in most states.

NCCR has recommended in Congressional testimony several times that federal law (42 U.S. Code, Sec. 653) should be amended to make the FPLS accessible to both parents on an equal basis.

Write to your U.S. Senator or Congress member. Ask him or her to introduce a bill to amend 42 U.S. Code. Send the member of Congress this article, and the one to the right, and ask them to contact NCCR for more information.

Federal Parent Locator Service Injustice

One of the greatest injustices arises when a non-custodial parent pays child support, but doesn't know where to contact his/her own child. This situation arises when a custodial parent from, for example, Kentucky, takes the child to another state, for example, California, and collects welfare. California officials will require Kentucky to collect child support from the non-custodial parent, which will be forwarded to the California parent. But none of the state officials are allowed to inform the paying non-custodial parent where his/her child is living, because the non-custodial parent is not an "authorized person" entitled to information from the Federal Parent Locator Service.

Child support officials have informed NCCR that the parents who pay support but do not even know the whereabouts of their child are the saddest cases they encounter. This enormous inequity could be rectified with an amendment to "42 U.S. Code" to permit non-custodial parents to be "authorized persons."

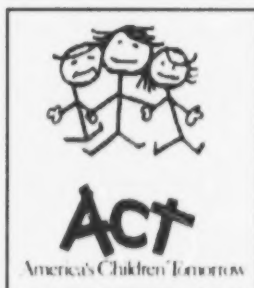
Send your members of Congress this article, asking them to contact NCCR for more information.

NCCR Staff Update

NCCR welcomes Stuart W. Cochran, II, an industrialist from Elkhart, Indiana, who has accepted a one-year appointment as chairman of the National Council for Children's Rights.

Cochran, who recently formed a group called America's Children Tomorrow (ACT) with goals similar to NCCR's, has agreed to coordinate many of ACT's activities with NCCR's. We welcome his astute recommendations concerning NCCR's day-to-day activities, policies and plans.

We expect the joint efforts of NCCR and ACT to be fruitful, because ACT will be using its screen-writing and video talents to supplement NCCR's activities.



Logo of ACT

lives in Washington, D.C., has many years of experience working in public relations in New York City, Los Angeles, and Toronto.

John Prior, Director of Information Services, has moved from the Washington area to Chicago. Mr. Prior is continuing his substantial contributions to NCCR from the Midwest.

NCCR also is pleased to announce Andrea Basiste has been appointed as NCCR's Director of Public Affairs. Ms. Basiste, who now

Levy Picked by Stepfamily Association

NCCR President David L. Levy was recently elected to the Board of Directors of the Stepfamily Association of America (SAA).

Levy will focus on children's advocacy and family law issues as a member of the board, said Sharon L. Hanna of Nebraska, the president of the SAA.

Senator Bradley Responds

In our last issue (Spring, 1990 issue), we featured an article stating that Sen. Bill Bradley's past record in the Senate was unfair on domestic relations issues, and not at all balanced. Sen. Bradley (D-MJ) has responded to NCCR in writing, which we publish below.



Sen. Bill Bradley

To NCCR:

In light of your interest regarding my efforts in Congress to create tough child support laws, I want to briefly respond to several points from your article.

I believe that parents have an obligation to their children and believe it is simply unacceptable that some children are forced onto welfare because absent parents do not pay support which they have been ordered to pay by a court. Children in our nation are owed billions of dollars in child support that has not been paid. Of the mothers who are legally due support, about half receive less than they are due. Without child support, hundreds of thousands of American families and children face bleak futures marred by poverty and deprivation.

I have been opposed to retroactive modification of child support awards because it produces an incentive for noncustodial parents not to pay on time, and to work out reduced payment at a later date. This hurts children and taxes the welfare system and taxpayer who ultimately foots the bill. Alternative proposals, such as a "rebuttable presumption," as you (NCCR) have suggested, certainly deserve consideration. The interstate commission (on child support) will likely take up this issue as well as others related to noncustodial parents.

Next, your article indicated my opposition to Senator Durenberger's

amendment on a national commission for visitation rights. The amendment, which did contain language on an interstate visitation rights commission, also contained language which would make child support payments contingent on visitation. I do not believe that tough child support enforcement laws should be contingent on tough laws on parental visitation rights.

I don't believe that the financial welfare of children should be held hostage to a feud between warring parents over visitation. The right of fathers to spend time with their children after a divorce is terribly important, and I continue to support local efforts to enforce visitation rights. But I oppose efforts to make child support payments to children contingent upon visits with their noncustodial parents. It is certainly unfair if a father's visitation rights are unjustifiably abrogated, but it is a crime for noncustodial parents to withhold court-ordered child support payments because of problems with their former spouses.

Finally, on the immediate wage withholding issue effective January 1, 1994, I feel that my legislation will lead to improved payment of child support. I'm aware of no evidence that people are losing their jobs because of tough child support laws, such as garnishing wages and placing liens on property. I'm certain that the interstate commission will examine this issue more closely and make the proper recommendations to Congress for future legislation.

Thank you for giving me an opportunity to respond to your article. I welcome any substantive comments you may have concerning either child support enforcement or issues pertaining to noncustodial parents.

Sincerely,
Bill Bradley, U.S. Senate

Ed. note: NCCR has sent Jim Foti, of Sen. Bradley's Washington office, a letter of response. It will appear in the Fall issue of this newsletter.

Thanks to Our Contributors!

We wish to thank those who have joined, renewed their membership or ordered materials from NCCR from March through May 1990. * Denotes life member of NCCR (contributions totaling \$500 or more).

Mendel Abrams
Ray Anderson
Michael Austin
Wally Babington
Leonard Berdan
Florence Bienenfeld
Susan Bloch
Steven Bluth
Wade Bowie
Robert Brown
Sally Brush
E. Fulton Brylawski
J. Robert Burk
Horace Burmeister
Anton Canuso
Gary Cheatham
Ferrel Christensen
Brian Christman
David Clift
* Stuart Cochran
Maury Collins
John Conery
Thomas Cool
David Cornell
Dave Davidson
Brian Davis
Cindy Davis
Erik Davis
Patricia Davis
Gary DeVeau
John DiJoseph
* Elliott H. Diamond
David Dinn
Mark Dorn
Annette Dunn
Richard Eberle
Alfred Ellis
James Fast
Richard Fedash, Jr.
James Felder
Byron Fielding
Vincent Finocchio
Ben Fischler
Mitchell Fivenssen
Susan Marie Fonzi
Eric Foretich
Donald Forslund
Chris Fox
Michael Friedman
David Garrod
Subhan Ghosh
William Glasemire
Carolyn Goodman
Donald Gordon
Robert Gray
Robert Green
Steven Gregory
R. Hallman
Michael Hanna
R. Margie Harper
Barry Harvey
Ronald Heilmann
Phillip Heisserman
Bonnie Hemmerlein
Ron Henry
Earlena Hincley
Charles Hubbard
John Hulet
Marucon Hurney
R. Hutzler
Arthur Janes
Julie Jennings
Annette Jungck
Michael Justice
John Kammer

Robert Katz
Linda Keller
Irving Kelley
Don Kling
Robert Kowal
Glenn Kramer
Florence Kuanetz
Don Lamb
George Lazar
Joseph Lehman
Dennie Lewis
Jeri Licht
Craig Licht
John Lord
Carol Lowery
Mary Lord
Betti Maloney
Richard Marafiotte
Bill Masters
Cyril McDermott
Walter McGee
Ronald Melstein
* Stuart Miller
Susan Miller
Joseph Milling
Carmelo Mirabella
Peter Mittell
Charles Moulton
Michael Niedzinski
Norma Nissenenson
Richard O'Neil
Robert Pasnak
Philip Pelter
Emanuel Plesent
Fred Potok
Larry Powell
Leonard Pryor
Steven Pulliam
Debra Regan
Patricia Rivero
David Rose
Arthur Rosen
Mark Roskin
John Rossler
Brent Sandbok
Carl Sandler
Gary Santora
Mary Scalone
David Schick
Lita Linzer Schwartz
Penny Scott
Aletta Scuka
David Sewall
R. Brock Shamburg
Stephen Shanahan
Albert Smith
Riette Smith
Vance Smith
Nancy Statum
Margaret Stuart
* Glen Surbey
* Robert Thomas
Daniel Thuener
* William Toto
Larry Twombly
Russell Vander Wier
Ellen Weinman
Frank Welsch
Ted Westrich
Terry Whitaker
Sandra Whittier
Scott Woerner
Tripp Wood
Gregory Woods
Richard Wrona
* Andrew Zwernemann

Here are a few selections from The
National Council for Children's Rights

1990

CATALOG OF RESOURCES

for parents
and professionals

The NCCR catalog lists more than sixty books, written reports, audio-cassettes, model bills and gifts for children. Members can receive additional free copies of the catalog by contacting NCCR. Non-members can order one for \$1.00. Write: NCCR, 721 2nd St. N.E., Washington, D.C. 20002.

Send all book orders to: NCCR Books, P.O. Box 5568, Friendship Station, Wash., DC 20016. Add \$2 for 1st book, 50¢ each add'l book for shipping and handling.



Especially for Kids

Dinosaurs Divorce, by Lauren Krasny Brown and Marc Brown. Cartoon style, story form to help children 4-12 understand divorce words and what they mean, why parents divorce, how children feel, having two homes. Endorsed by *N.Y. Times*, *American Bookseller*, *School Library Journal*, and *Publishers Weekly*. **BKK-102 — 31 pages. \$4.70**

Especially for Parents

Divorce Book for Parents, Vicki Lansky. Draws on her own experience, that of hundreds of other parents, and professionals, to give sound advice on how to help your children survive and even thrive ... and remain true to themselves at the same time. **BKP-204 — 255 pages. \$18.95.**

Fathers' Rights — The Sourcebook for Dealing with the Child Support System, by John Conine. Authored by a child support enforcement officer who worked for many years at both the state and national level. Suggests how on how to change a biased system to deal impartially with husbands, wives and children. **BKF-406 — 220 pages, hardback. \$17.95.**

Especially for Stepparents

Making It as a Stepparent, New Roles/New Rules, by Claire Berman, director of public education, Child Welfare League of America. Provides practical help and insights into the many challenges and rewards of step-families. **BKS-302 — 202 pages. \$7.95.**

Mediation

Mediating Divorce, by John M. Haynes, Ph.D., and Gretchen Haynes, M.A. John Haynes, founding president of the Academy of Family Mediators, and trainer of about 5,000 judges, lawyers and therapists in mediation, and Gretchen Haynes, show how mediation techniques can be applied. **BKE-602 — 310 pages, hardback published 1989, \$27.95.**

Child Abuse

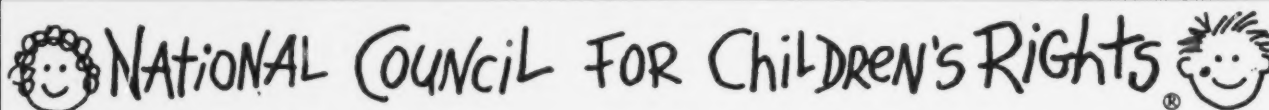
The Parental Alienation Syndrome and the Differentiation Between Fabricated and Genuine Child Sex Abuse, by Richard A. Gardner, M.D., an authority on the Parental Alienation Syndrome (PAS). **BKA-801 — 314 pages, hardback, \$20.00.**



The Parental Alienation Syndrome
and the Differentiation Between
Fabricated and Genuine
Child Sex Abuse

Richard A. Gardner, M.D.

Please Reprint This in Your Newsletter or Journal



We are proud of your achievements, NCCR! Sign me up with
my tax deductible contribution as a:

- ☐ member, \$25 ☐ sustaining member, \$50 ☐ sponsor, \$100
☐ life member, \$500 ☐ other \$ _____
☐ I can't join now, but here is my tax-deductible contribution of \$ _____.
☐ MC ☐ VISA CC# _____ Exp. date _____

As a member, please send me *Speak Out for Children* (NCCR's Quarterly Newsletter)
and the following at NO ADDITIONAL COST:

- "A Child's Right - 2 Parents," Bumper Sticker.
- FREE! A \$10 VALUE — A 30-page report, Written Preliminary Proceedings from NCCR's 1989 Fourth Annual Conference (submitted prior to conference). Includes 15 different reports, including Parental Alienation Syndrome (PAS), How to Win as a Stepfamily, Overview of the 1988 Family Support Act, An Overview of Access (Visitation) Research, and Evaluation of Sole and Joint Custody Studies.

I understand that a contribution of \$50 or more entitles me to a free voice cassette — Part 1 of "The Needs of Children of Divorce."

Name _____

Address _____

City/State/Zip _____

Phone (_____) _____

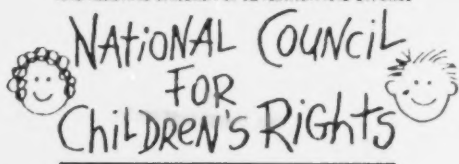
- ☐ Please do not give my name and address to other organizations.

Call (202) 547-NCCR (6227) to charge, or send completed form to NCCR,
721 2nd Street N.E., Washington, D.C. 20002

Distributed by:

Bulk copies of this newsletter are available for 50¢ each for distribution to policy-makers, judges, and interested persons in your state. Send order to NCCR.

A NON-PROFIT, TAX EXEMPT ORGANIZATION STRENGTHENING FAMILIES
AND ASSISTING CHILDREN OF SEPARATION AND DIVORCE

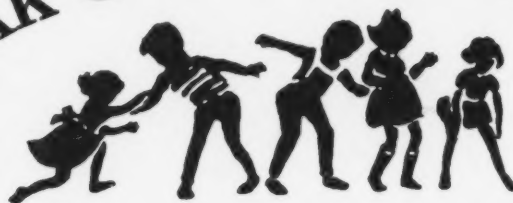


721 2nd Street, N.E.
Washington, D.C. 20002

Address Correction Requested

Non Profit Organization
U.S. Postage
PAID
Washington, D.C.
Permit # 881

SPEAK OUT FOR CHILDREN



The Quarterly Newsletter of The National Council for Children's Rights, Inc.
721 2nd Street N.E., Washington, DC 20002 (202) 547-NCCR

IN THIS ISSUE:

NCCR Invited to White House	3
Legal Help	3
NCCR Conference Update	4
Legislative Update	8
Special 3-page pullout — A guide for joint custody advo- cates Part II	9
Tapes	12
Letters	13
Rights to School Records	14
Commission urged to act on emotional support	15
Around the Country	16
Candlelight Vigil	17
Letter to Sen. Bradley	18

Noncustodial Parent Groups May Receive Funds

Congress Provides \$2 Million More for Access Grants

Congress has provided \$2 million for "child access demonstration projects" for 1991.

This is a substantial increase over last year, when Congress permitted the U.S. Department of Health and Human Services (HHS) to decide how much money should be provided for child access projects. HHS only allocated \$1.4 million for the grants last year, of which \$500,000 was set aside for an evaluation of the grants required by Congress (see accompanying story). This \$2 million is on top of the \$1.4 million.

It is unclear how much, if any, of the \$2 million, can also be set aside by HHS for an evaluation of these new grants.

The funding stems from Section 504 of the 1988 Family Support Act which authorized up to \$8 million over a two year period to be used for the "development of systematic procedures for enforcing access provisions of court orders, the establishment of special staffs to deal with and mediate disputes involving access both before and after a court order has been issued, and the dissemination of information to parents."

Not only is \$2 million more money for the second year of access grants than was



Senator Tom Harkin

provided during the first year, but the Senate report accompanying the funding bill paves the way, for the first time, for groups representing noncustodial parents to receive a portion of the access funds.

As reported in the accompanying story, noncustodial parent groups did not receive any of the funds approved under the first year's allocation.

The Senate Report (Report 101-516, at page 200) issued in October, 1990, says

"Recognizing that the issue of access and visitation is of great concern to children and

their noncustodial parents, the (Appropriations) committee urges the Family Support Administration (in the U.S. Department of Health and Human Services) to closely monitor... the grantees to reflect the intent of Congress to develop systematic procedures to enforce access provisions of court orders.

"The Committee further directs the Family Support Administration to administer the (1991) grants in such a manner as to include a variety of agencies and organizations with a demonstrated history of expertise and performance in access enforcement, such as Fathers for Equal Rights, Des Moines, Iowa."

See Access page 7

SPEAK OUT FOR CHILDREN is published by the National Council for Children's Rights, Inc.

Editors: David L. Levy, Elliott H. Diamond.

Contributors: John Prior, Ed Mudrak, Deanne Mechling, Kenneth

About NCCR

The National Council for Children's Rights (NCCR) is a non-profit [IRS 501(c)3] organization, based in Washington, D.C. We are concerned with the healthy development of children of divorced and separated parents. For the child's benefit, we seek means of reducing divorce by strengthening families through divorce and custody reform, minimizing hostilities between parents who are involved in marital disputes,

OFFICERS:

David L. Levy, Esq. President
Anna Keller, Vice President
John L. Bauserman, VP/Treasurer
Ellen Dublin Levy, Secretary

CHAIRMAN:

Stuart W. Cochran II
founder, America's Children Tomorrow (ACT)

GENERAL COUNSEL:

Michael L. Oddenino

DIR. OF INFORMATION SERVICES:

John F. Prior

DIR. OF PUBLIC AFFAIRS

Andrea Basiste

ADVISORY PANEL:

Rabbi Mendel Abrams, D. Min.
Former President, Board of Rabbis of Greater Washington, D.C.

Honorable John Amari
State Senate, Alabama

Daphne Bauer
Divorce Mediator

Sheila Brayman, Former President
Mothers Without Custody

Sam Brunelli, Executive Director
American Legislative Exchange Council

Ellen Canackos, Esq.

Jane Charnas, D.S.W., L.C.S.W., A.C.S.W.,
Associated Mental Health Professionals

Skilling, John Siegmund.

Interns: Chris Barry (Santa Clara University); Pat Coffey (Lawrence University); Juli Gumina (Loyola University); Brenda Harmon (Milliken University); Jennifer Trulock (Vassar); Christian Patterson (Spring Hill College).

Database Staff: John Prior, Ed Mudrak.

Office Sec'y: Veronica Daugherty.

substituting conciliation and mediation for the adversarial approach, assuring a child's access to both parents, and providing equitable child support.

NCCR was founded in 1985 by concerned parents who have more than 40 years collective experience in divorce reform and early childhood education.

Prominent professionals in the fields of religion, law, social work, psychology, child care, education,

Jim Cook, President
The Joint Custody Association

Norman Cousins
UCLA School of Medicine
"Dear Abby"
(Abigail Van Buren)

Honorable Dennis DeConcini
U.S. Senator, Arizona

Karen DeCrow
Former President of N.O.W.

Elliott H. Diamond,
Co-Founder, N.C.C.R.

Honorable David Durenberger
U.S. Senate, Minnesota

Meyer Elkin, Co-Founder
Association of Family & Conciliation Courts

Warren Farrell, Ph.D., Author,
Former Member of the Board of
Directors New York City N.O.W.

Doris Jones Freed, Esq., Co-Chair
New York State Bar Association Family Law
Section's Custody Committee

Larry Gaughan, Law Professor,
Professional Director, Family Mediation
of Greater Washington, D.C.

Herb Goldberg, Ph.D., Author, Professor
of Psychology, California State University

Ronald T. Haskins, Ph.D., Associate
Director, Bush Institute for Child and
Family Policy, U of NC

Honorable Phil Hoff
Former Vermont Governor

Joan Berlin Kelly, Ph.D.,
Executive Director
Northern California Mediation Center

The material in this issue is copyrighted by NCCR 1990. However, all material may be reproduced, if attribution is given as follows: "From 'SPEAK OUT FOR CHILDREN,' published by The National Council for Children's Rights."

business and government comprise our Advisory Panel.

For further information about membership, publications, cassettes, catalog, and services, write: NCCR, 721 2nd St. N.E., Washington, D.C. 20002, or call (202) 547-NCCR(6227).

SPEAK OUT FOR CHILDREN is published at least four times a year and is sent free to members. Send letters, comments, and articles for publication to Editor, NCCR.

James Levine, The Fatherhood Project,
The Bank Street College of Education

Honorable Fred Lovegrove
State Senate, Connecticut

Dr. Carl H. Mau, Jr.
General Secretary
Lutheran World Federation
(1974-85)

Honorable Fox McKeithen
Secretary of State, Louisiana

Honorable Jack Metcalf
State Senate, Washington

John Money, Ph.D., Professor of Medical Psychology and
Pediatrics
Johns Hopkins University and Hospital

Honorable Velmanette Montgomery
State Senate, New York

Honorable Mac Parsons
State Senate, Alabama

Mei Roman, Ph.D., Professor,
Director, Group and Family Studies
Department of Psychiatry
Albert Einstein College of Medicine

Sue Klavans Slmring
Co-Director Family Solutions
The Center of Divorce and Custody Consultation

Honorable Debbie Stabenow, Chair
Mental Health Committee
House of Representatives, Michigan

Carol Stack, Ph.D., Director, Center for the Study of the
Family and the State
Duke University

Nick Stinnett, Ph.D.,
Department of Human Development and Family Life
University of Alabama

Nadine Lavender-Petersen,
MSW., LCSW
Clinical Social Worker
4400 East-West Highway, Suite 401
Bethesda, MD 20814
(301) 439-3334

**COMPUTER, DATA BASE, AND
MANAGEMENT INFORMATION
SERVICES ARE PROVIDED BY:**

Prior Computer Service Inc.
P.O. Box 56589
Harwood Heights, IL 60656-0589
Home office: (312) 589-0507
SQLBBS (312) 589-0508



NCCR Invited to White House Conference

NCCR was one of about 20 children's organizations invited to a meeting at the White House on September 18, 1990.

The meeting was called to discuss children's issues, particularly with an eye on the World Summit on Children, which was held at the United Nations on September 28-29.

UNICEF, the Child Welfare League of America, and UNESCO, were among the other groups represented at the meeting. NCCR was represented by president David L. Levy. Administration officials who attended the meeting included Secretary of Education Lauro Cavazos; Under-secretary of the Department of Health and Human Services Constance Horner; the President's Domestic Policy Advisor Dr. Roger Porter; and Pete Teeley, President Bush's former press secretary and U.S. representative to UNICEF, which sponsored the World Summit.

The organizations attending the meeting urged that President Bush send the U.N. Declaration on the Rights of the Child to the Senate for ratification. More than 40 countries have ratified the Convention; the U.S. is one of the few industrialized nations that has not.

The Bush Administration has not sent the Convention to the Senate, according to the Washington Post (10/1/90), because conservatives are troubled that the Convention would prohibit execution of those whose crimes were carried out before they reached age 18, and because the Convention does not oppose abortion.

NCCR supports the entire Convention. Portions of the Convention have appeared in previous newsletters, and also appear below.

During the two hour White House meeting, held in the Roosevelt Room in the West Wing, Levy was able to emphasize NCCR's views three different times. He mentioned the need for a comprehensive approach to strengthen families—including the need for parenting classes in schools, equal involvement of fathers and mothers in the rearing of children, and, if divorce occurs, an emphasis on emotional child support that is equal to the emphasis on financial child support.

Toward the end of the session, one participant talked about domestic relations issues in terms only of "women and children." Levy politely pointed out that domestic relations issues should be framed as involving "fathers, mothers and children." The speaker indicated he would discuss family issues to include fathers in the future.

The following are summaries of several of the 54 articles in the "U.N. Declaration on the Rights of the Child."

Article 7 - The right to a name and to acquire a nationality; the right to know and be cared for by parents.

Article 8 - The right to live with parents unless this is deemed incompatible with the child's best interest; the right to maintain contact with both parents; the state to provide information when separation results from state action.

Article 10 - The right to leave or enter any country for family reunification and to maintain contact with both parents.

Article 18 - The state to recognize the principle that both parents are responsible for the upbringing of their children; the state to assist parents or guardians in this responsibility and to ensure the provision of child care for eligible working parents.

For a full copy of the convention, contact Elisabeth Shalk, Director of Education, U.S. Committee for UNICEF, 333 East 38th Street, New York, NY 10016.

Legal Help

NCCR has filed *amicus curiae* (Friend of the Court) briefs in several state appeal court cases, and we seek to enter other cases on appeal. We have been asked on a number of occasions to enter cases at the trial level (which are not yet on appeal), but we regret we do not yet have the resources to do this.

We have won cases in New Jersey, where a law was upheld permitting a judge to reverse custody in a case where a parent planned to take the child permanently from the state, in Wisconsin, in upholding a child's right regarding paternity, and in Ohio, upholding a joint custody agreement previously reached in another state. We also won a case in the Washington, D.C. Court of Appeals.

Do you need legal help in a case? Is the case (or will it be) on appeal? Does the case have broad applicability? If the answer to three questions is yes, contact NCCR.

To increase your chances of winning on appeal, make certain that all constitutional arguments are raised in the lower court.

Legal arguments appear in NCCR Report No. L102A ("Joint Custody as a Child's Constitutional Right").

If a mental health professional or other expert has made a finding or statement that is helpful, let us know.

An *amicus curiae* brief is not the main brief in the case filed by you or your attorney; it is an extra brief filed by NCCR to draw the court's attention to the importance of this case, and its effect on children's rights.

Attorneys for NCCR are interested in handling these cases on a reasonable fee basis. As mentioned above, we can only consider cases which are on appeal.

for kids caught in
Drugs and Crime.

The long-range answer, say criminologists, is improved parenting. Make a tax-deductible contribution to a major national advocacy group working for a child's right to two parents (a father and a mother), regardless of the parents' marital situation.

The all-volunteer National Council for Children's Rights (NCCR), Dept. NS, 721 Second Street N.E., Washington, DC 20002 (202-547-6227) or join NCCR for \$25.00. Write or call for further information. Advisors include "Dear Abby," Sens. David Durenberger (R-MN) and Dennis DeConcini (D-AZ) and Norman Cousins. "Outstanding Group!" — Vicki Lanasy (*Family Circle* Columnist).

**JAIL IS NOT THE
ANSWER**

**Please support our
advertisers. Thank you.**

SPEAK OUT FOR CHILDREN Fall 1990 3

NCCR's 5th Annual Conference

Child Sexual Abuse, 'Parentectomy' and other Topics Highlight NCCR's Conference



Ralph Underwager, Ph.D.
Hollida Wakefield, M.A.



Edith Flynn, Ph.D.



Frank S. Williams, M.D.



David Lloyd, Esq.

Nationally known speakers on child sexual abuse, the 'Parentectomy' phenomenon (the involuntary removal of a parent from a child's life following divorce) and other issues particularly affecting children from families of divorce and unwed parents highlighted NCCR's Fifth Annual Conference on October 18-21, 1990.

About 160 people attended part or all of the conference, including more than 40 speakers. They

- browsed through an NCCR bookstore containing 85 different book titles,
- attended a Book and Author luncheon,
- attended a Candlelight Vigil at the Lincoln Memorial where a message was read from President Bush (see story on page 17).
- attended a banquet and celebration of NCCR's Fifth Anniversary.

The conference, entitled "New Approaches for Children in the 1990's" was held at the Quality Hotel in Arlington, Virginia, near Washington, D.C.

Some of the speakers and their topics included:

"The Importance of Preventing a Parentectomy"—Frank Williams, director of child and adoles-

cent psychiatry at Cedars-Sinai Medical Center in Los Angeles.

Williams focused on the need for increased awareness among lawyers and mental health professionals involved in custody disputes to recognize a 'parentectomy'—the attempted erasure of a parent from the life of a child eager to maintain a healthy relationship with both parents.

Williams said the Cedars-Sinai Family and Child staff has determined that parental identity — if strengthened in both parents — can increase cooperation between parents post-divorce.

The amount of cooperation needed to best help children through their post-divorce problems develops more rapidly and is sustained more often when there is joint legal custody and a carefully structured very clearly defined shared or joint physical custody, Williams said.

Williams, who has twice presented these findings to the American Bar Association Family Law Committee, said there appears to be a greater failure of development and growth of parental cooperation in unilateral sole legal and sole physical custody situations.

"What is Happening in

the Black Family"—Judge Reggie Walton, associate director for the Office of National Drug Control Policy, Executive Office of the U.S. President, discussed the special strengths and special problems of the Black family.

Walton, "the number two drug czar" (under Drug Czar William Bennett) said an obvious reason for increased drug and crime activity is the deterioration of the family structure. "We have seen a steady increase in the number of young people who are being raised only by their mother. Obviously, there are many mothers who can successfully raise children by themselves... (but) statistically it is a lot harder... and especially if you're talking about adolescent males. Unfortunately a lot of the young people we see coming into the court system have never had a father who played any role in their lives. Fifty-two percent of black children today are being raised only by their mothers."

Walton is a former Washington, D.C. Superior Court judge.

"Child Sexual Abuse and its Impact on the Family"—David Lloyd, a lawyer and project director of the National Resource Center on

Child Abuse in Wheaton, Maryland, discussed the devastating effect of real sexual abuse on the child. He cautioned against those who emphasize false allegations over real sexual abuse. Only about five percent of charges of sexual abuse are false, he said.

Lloyd also discussed approaches to prevention, and highlighted three controversies: the process of investigation and "validation" of the abuse, expert testimony, and those who act in violation of court orders. He criticized those who hide children in the "underground railway" (housing children with strangers away from the child's parents).

Ralph Underwager, Ph.D. and Hollida Wakefield, M.A., psychologists and directors of the Institute for Psychological Therapies, Northfield, Minnesota, said the investigation and adjudication of cases of alleged sexual abuse of children can cause as much trauma to a child as the sexual abuse itself. Such "secondary victimization" may occur when children are subjected to repeated interviews, questionable techniques, intrusive physical exams, inappropriate reactions and overreactions by adults, ill-

Continued on next page

advised sexual abuse therapy, or removal from home and friends. They said up to 75 percent of sexual abuse allegations are false.

John Haynes, Ph.D., Huntington, New York, co-author of *Mediating Divorce* and founding president of the Academy of Family Mediators, discussed "Helping Parents Make the Right Decisions for Their Children."

Haynes said that if a married couple has a problem regarding their children, whether it be child care, a possible move to a different part of the country, or schooling, they cannot go to a court to get the court to resolve their differences. Haynes said a process must be found whereby divorced couples also cannot go to court, but would be induced to solve their own problems themselves. Haynes said courts must get out of the business of supervising one type of family (divorced) and not another type of family (married).

Edith Flynn, Ph.D., professor in the College of Criminal Justice, Northeastern University, Boston, and former vice president, American Society of Criminology, discussed "Child Care, Family Structure, and Delinquency." Flynn said the research shows a strong and positive relationship between delinquency and divorce rates, the rise of households headed by women, the increase of unattached individuals in the community, and generally an increase in the crime rate.

NCCR General Counsel Mike Oddenino, and NCCR Vice-Presidents Anna Keller and John Bauserman, spoke on Research Findings and Legal

Developments Affecting Joint Custody and Access (Visitation).

Keller referred to new research being conducted by Judith Seltzer, of the University of Wisconsin, Madison, Department of Sociology, a colleague of Irwin Garfinkel, now at Columbia University, who has had a major impact on child support policy.

Keller said that Seltzer is studying the complex relationship between child well-being, the payment of support, the conflict between parents, custodial status, and frequency of access (visitation). Seltzer has many analyses of her data, both published and forthcoming, which appear to indicate that there is a strong relationship between payment of support and good parent/child visitation.

Seltzer has not found any support for her hypothesis that greater child access promotes greater conflict between parents, said Keller.

Bauserman said that the great majority of researchers who have compared sole and joint custody find that children do better in joint custody than in sole custody. This is especially true when children have joint physical custody, which is generally defined as spending at least a third of the time with a parent on a year-round basis.

Jed Abraham, attorney, Evanston, Illinois, a member of the American Bar Association's Child Custody Committee, spoke on "The Problem with Child Support."

Abraham said the long-term costs of the child support system are unknown and probably huge. The child

support system facilitates the production of single-parent families — the most problem-ridden and least beneficial family structure known to civilized society. And it invites the State into an increasingly oppressive position of control over what have hitherto been considered the private areas of family life.

Other speakers included:

Howard Davidson, director of the American Bar Association's Center and the Law, Washington, D.C. discussed "The Center's Goals."

Margaret Haynes, director of the Center's Child Support Project, and chairman of the Interstate Commission on Child Support, discussed "The Agenda for the Interstate Commission" (see story on page 15).

Dick Woods, president of the National Congress for Men and Children (formerly known as the National Congress for Men) presented an Update on Access (Visitation) and Child Support Laws and Policies. Rich Hobbie, majority staff, and Ron Haskins, minority staff, House Ways and Means Committee, were to also appear on the panel, but were unable to attend because of the rush to adjournment in Congress.

Robert Harris, associate deputy director of the Office of Child Support Enforcement, U.S. Department of Health and Human Services, discussed "Implementation of the Child Access (Visitation) Projects" (see story on page 1).

Suzanne Fields, columnist with the *Washington Times* and *The Los Angeles Times* Syndicate, was joined by NCCR General Counsel Mike Oddenino, Joint Cus-

tody Association President Jim Cook, and Equality Now for Unwed Fathers President Mike Hirschensohn in a discussion of "What Child Advocacy Groups Need to Know to Get Through to the Press".

Judge Johanna Fitzpatrick, Virginia; Master Rita Rosenkrantz, Maryland; Dr. Bruce Copeland, psychologist, Maryland; Dr. Ben Schutz, psychologist, Virginia, and lead author of *Solomon's Sword*; and Barton Blond, attorney, Missouri, discussed "The Best Interests of the Child—Perspectives from the Courtroom."

Workshop topics and leaders:

Children in the Middle: Common Situations and Some Solutions. Donald A. Gordon, Professor of Psychology, Ohio University, Athens, Ohio.

Creative Solutions to Custody Conflicts. Michael L. Oddenino, NCCR General Counsel, Arcadia, California

Child Support Guidelines. Ron Henry, Attorney, Washington, D.C. and Fred Tubbs, President, Vermonters for Strong Families, Montpelier, Vermont.

Compromises or Co-Promises: The Benefits and Limitations of Divorce Mediation. Carla A. Goodwin, M.Ed., Guardian Ad Litem, Psychologist, Consultant to Plymouth Probate and Family Court, Suffolk Court, Boston, MA.

Mothers Without Custody (MW/OC): Goals of the National Organization. Angela Meese, immediate past president, Sharon May and Roberta Weilgus, officers, Maryland.

The Multi-Door Domestic Mediation Program of the Washington, D.C. Superior Court. Michael Terry, attorney, supervisor, Domestic Mediation Program, Washington, D.C.

Continued on next page

Conference

Continued from page 5.

Play Therapy for Adults: Healing the Child Within the Grownup. June Werlwas Hutchison, M.M.H. Assistant in Medical Psychology, The Johns Hopkins University School of Medicine, Department of Psychiatry and Behavioral Sciences, Baltimore, Maryland.

Childhood Depression: A Positive New Direction. Donald K. Smith, Ph.D. Clinical and Educational Psychologist, Marriage, Family and Child Counselor, Santa Ana, California.

Beyond Joint Custody: Creative Custody Arrangements to Maximize Both Parents' Involvement with Children. Joseph Condo, attorney, Alexandria, Virginia.

Trends and Developments in Joint

Custody Legislation. James A. Cook, President, the Joint Custody Association, Los Angeles, California.

The Mediation Movement Ten Years Later. Lawrence D. Gaughan, J.D., Arlington Virginia.

Divorce is Changing American Families: How to Raise Healthy Kids Following Divorce. Sally Brush, Director, The Aring Institute of Beech Acres, Cincinnati, Ohio.

The Ten Commandments of Custody Litigation —for Clients and Attorneys. Gerald Solomon, Esquire, New Carrollton, Maryland.

Shared Parenting: Mediation Can Make it Work. Phyllis B. Simon, family mediator, Rockville, Maryland.

Recent Developments for Improved Access Between Children and Unwed Parents. Discussion of Uniform Putative and Unknown Fathers Act (UPUFA),

Michael Hirschensohn, Los Angeles, California.

Awareness and Wellness: The Four Affirmative Actions for Maximum Health. Dr. Gary Santora, chiropractor, McLean, Virginia.

Advocacy in the States for Children's Rights Activists. Heads of NCCR state chapters: John Haring, standing in for Bruce Gillman of New Jersey; Fred Tubbs, Vermont; Sandra Armstrong, Alaska; and Eric Anderson of Texas. NCCR Chairman Stuart Cochran II, Elkhart, Indiana, also participated. Paul Robinson, Virginia; Piotr Blass, Florida; Andy Cvercko, Ohio; and Max Gregorich, Connecticut, were unable to attend.

More information on the conference, including the names of winners of "Healer" awards and "media awards," will appear in the next (Winter, 1990/91) issue.

Author Luncheon

At the conference, NCCR held its first Book and Author Luncheon. Authors who spoke at the luncheon were

- Vicki Lansky of Minnesota, a columnist for Family Circle magazine, and author of Divorce Books for Parents;
- Lita Linzer Schwartz of Pennsylvania, author of Dynamics of Divorce;
- Gerald A. Hill of California, author of Divorced Father, and
- Marcia Lebowitz, who runs the Children's Divorce Center in Woodbridge, Connecticut, and is author of I Think Divorce Stinks.

The luncheon was moderated by Carolyn Mulford of Washington, D.C., author of a forthcoming book on Elizabeth Dole. Introducers of the various authors were Mary Estrada, of the Washington Post Book World staff; Rebecca Caldwell of Borders Bookstore of Rockville, Maryland; Sheila Eagan of A Likely Story, a children's bookstore in Alexandria, Virginia; and Deanne Mechling, Director of Publications for NCCR.

Ms. Mechling, who coordinated the luncheon, observed that the lively book discussion after the luncheon deepened the attendees' understanding of problems of divorce and the effects upon children.

Thanks

NCCR wishes to thank the many people who helped make the conference a success. They include Donna and Chuck Stewart, who came from their home in Colorado to assist with registration and the book fair; John Prior, director of information services, who came from Chicago for the conference; associate director of Information Services Ed Mudrak; Tony Zelof; Ron Henry; Michael L. Oddenino; Carla Goodwin; Mary Burr; Director of Public Affairs Andrea Basiste; John Siegmund; Elina Hum; Paul Robinson; Nancy Adams; Ada Patterson; Linda Clarke; Frank Strailman; NCCR Secretary Veronica; Ken Lewis; Pat Seidel; student interns Arabel Elliott, Nancy Grothouse, Juli Gumina, and Jennifer Trulock; and conference coordinator Ellen Dublin Levy.



Bowen Travel,
which handles air
accommodations
for NCCR
conferences. We
can also handle your
everyday air travel
needs. Bowen Travel
offers the lowest possible
plane fares available. Call
them at 1-800-330-2169.

NCCR's Next Conference: Fall of 1991

NCCR will hold its Sixth Annual Conference in late September or the first half of October in Washington, D.C. At the three-day conference, Jessica Pearson, Ph.D., director of the Center for Policy Research, Denver, Colorado, has tentatively agreed to be a speaker. She will present the results of her research which will be completed by then; model demonstration access (visitation) projects she is studying under a grant from the State Justice Institute in Alexandria, Virginia.

Brian B. O'Brien
Attorney at Law
P.O. Box 651
Weston, MA 02193

Children's Rights
Parent's Rights
Grandparent's Rights
Custody
Support
Divorce

(617) 891-7014

Access

Continued from page 1.

The Senate committee that issued this Report is chaired by Tom Harkin, Democrat of Iowa.

Sens. Grassley (R-IA), Durenberger (R-MN), and DeConcini (D-AZ), also supported this report and the funding.

Congress requires that funds must flow through some branch of state government; but your organization could become a subgrantee under a state grant to do such things as: prepare a flyer informing parents of their rights, hire an ombudsman to resolve access questions, monitor performance of an access enforcement agency, or provide other services.

HHS will probably not announce the acceptance of grant applications for the \$2 million until sometime after January 1, 1991. You should make inquiries of your state agencies now, in order to be ready when the grant availability is announced.

Indiana, Florida, Idaho Receive First Grants

Indiana, Florida and Idaho are the first states to receive access (visitation) demonstration grants authorized under the 1988 Family Support Act.

The winners, selected from applicants from 15 states, were announced in late September, 1990, by the U.S. Department of Health and Human Services (HHS).

The state institutions in the three states that won the grants indicated that they would all apply the money to use mediation to resolve disputes between parents.

Those who will administer the grants within the three states are as follows:

Boise State University in Idaho received \$249,423 to assess court-ordered mediation as a technique for resolving support/access problems in Boise, Ada, Elmore and Valley Counties in Idaho. The grant application said that "there is a sense that the

payors' dissatisfaction with the court system and their feeling of powerlessness has increased."

Boise State will assist the courts by providing up to four free mediation sessions per case to resolve child support/visitation disputes. The grant will be administered by the Office of Conflict Management Services under the School of Social Sciences and Public Affairs. Contact: Asa M. Ruyle (208) 385-1200.

(Note: Idaho recently adopted a strong joint custody law).

The Second Judicial District of Florida (Leon County) received \$282,428. The application stated that "(child support) enforcement has not proven cost effective" and may be counterproductive. The court proposes to use mandatory mediation as a preventive for reducing adversarial interaction between parents, and to increase child support and visitation compliance. Under the proposal, parents will be required to report within two days after receiving notice of mediation, and the first mediation will follow within three days. Contact: Charles D. McClure, chief judge, (904) 488-6747.

The Child Support Division of the Indiana Department of Public Welfare for Marion and Lake Counties (Gary/Indianapolis area) received \$275,244.

The Division will use mandatory court-ordered mediation in Marion County (Indianapolis), and an informal process in welfare cases in Lake County (Gary, Hammond). The grant application states that "The noncustodial parents' over-all perception of the system may be altered by participating in a different type of interaction." The Agency will use mediation to try to resolve visitation problems. Contact: Kenyon Wilson, Director of Child Support Division, (317) 232-4885.

Grantees have 17 months to complete their grant.

Under the Family Support Act, an evaluation of the grants must be completed by 1992.

Following public notice that applications for the evaluation grant were being accepted, HHS awarded the \$500,000 grant to Policy Studies, Inc., of Denver, Colorado, headed by Bob Williams, who completed the project

for HHS that has served as a basis for most of the child support guidelines that have been adopted by the states. A subcontractee under the evaluation is the Center for Policy Research in Denver, headed by Jessica Pearson and Nancy Thoennes.

Evaluation of the demonstration grants is expected to be more difficult because all the programs funded are new rather than building on existing programs. Also, organizations with experience in resolving access (visitation) disputes are not recipients of the funds.

NCCR obtained the three winning grant applications and names of all 15 applicants from HHS under a Freedom of Information (FOIA) request. NCCR will provide copies of this 48 pages of material to NCCR members for \$10 for photocopying and mailing; non-members send \$15.

Write for Nationwide Access Program

If your senator or representative is on one of the key subcommittees that authorize family legislation in the Senate and House (the subcommittees that originally authorized the access/visitation demonstration grants), write and ask them to sponsor a bill in January, 1991 to make the access (visitation) program available for the entire country. Ask them to work with NCCR to sponsor such legislation. The subcommittees are

- the Senate Subcommittee on Social Security and Family Policy, chaired by Sen. Moynihan (D-NY), and members Daschle (D-SD), Bentsen (D-TX), Dole (R-KS), Durenberger (R-MN), and Packwood (R-OR); and
- the House Subcommittee on Human Resources, chaired by Tom Downey, (D-NY), and members Pease (D-OH), Matsui (D-CA), Kennelly (D-CT), Andrews (D-TX), Coyne (D-PA), Shaw, (R-FL), Sundquist (R-TN), and Johnson (R-CT).

A short letter to one of the above Senators or Representatives is sufficient. Get friends to write, also. Three short letters count for more than one long letter.

SPEAK OUT FOR CHILDREN Fall 1990 7

Domestic Legislation Fails in Congress

Congress did not pass two bills in the recently concluded 101th Congress that raised some objections by NCCR, but did pass a Resolution with an amendment recommended by NCCR. The two bills were caught in the Congressional logjam in October, 1990 when budget matters preoccupied Congress. NCCR's objections, similar to those of other individuals and groups, alerted Congress to the problems of this proposed legislation.

Caught in the logjam and not passed by Congress were:

- S. 2754, (the Safe Streets and Homes for Women Bill), and
- S. 185, (the parental kidnapping bill that would criminalize kidnapping by the noncustodial parent, but not by the custodial parent.)

The legislation in detail —

S. 2754 — was introduced in the Summer of 1990 by Sen. Joseph Biden (D-RI), and because Biden is chairman of the Senate Judiciary Committee, he was able to put the bill on the "fast track" before his committee. That is, only one hearing was held, at which only proponents of the bill were allowed to testify, and the bill was quickly passed by the Judiciary Committee.

NCCR met with Senate staff and explained our concern with preventing and treating domestic violence; but we said boy children should not grow up to think they are the perpetrators, and girl children should not grow up to think they are the victims. We pointed out that Straus and Gelles, the most respected researchers on domestic violence in the U.S., have found that women have slightly higher involvement in serious domestic violence than men, although men do more damage when they commit violence (See *Journal of Marriage and the Family*, Vol. 48, 1986).

However, the most persuasive arguments with Senate staff, in the view of NCCR college student interns Juli Gumina and Jennifer Trulock, were that the bill

- provided inadequate funding for

education in order to prevent domestic violence, and

- provided substantial additional money for women's shelters, but no funds for men's shelters.

We pointed out that if abused men can seek refuge in shelters, it would help those men who are victims of violence, as well as enable those who perpetrate violence to receive help, so that they are less likely to abuse women in the future.

NCCR, as well as Roy U. Schenk, Jon Ryan, and others who wrote to Senators, urged that any bill be gender neutral.

S. 185 — This bill (introduced by Sen. Alan Dixon, D-IL) would have made an abduction of a child from the U.S. to a foreign country a federal crime. The criminal penalties would not apply to people who take a child to a country that is a party to the Hague Convention against parental abduction, because those countries would have to return the child to the nation of habitual residence. Dixon's office said foreign countries might not be willing to have a child returned to the U.S. if there were also criminal penalties facing nationals of their countries who committed the abduction.

The U.S. Justice Department thought the bill would be ineffective. NCCR opposes kidnapping by either parent, and because of that, we urged that any federal penalties be gender neutral. We said that kidnapping by the custodial parent (in violation of access/visitation by the other parent or grandparents) should be subject to the same penalties as abduction by the custodial parent. Sen. Dixon declined to make the bill gender neutral. The bill passed the Senate, but was not brought to a vote in the House.

H. Con. Res. 172 — the domestic violence Resolution introduced by Rep. Connie Morella (R-Md.). This resolution was passed by the Senate by voice vote on October 25, 1990, following passage by the House. A Resolution does not have the force of law, and states generally pay little heed to Resolutions. But resolutions do send a message which can be used to try to influence legislation in the states.

The Resolution states that if there is domestic violence, the states should have a rebuttable presumption against that person getting custody.

But what if the other parent is unfit? Would Congress really want custody to go to the unfit parent? And what if both parents engage in the mutual slapping and hitting that often occurs during a custody battle? Should the judge place the child in foster care? NCCR found some Congressional offices concerned with these possibilities.

Many states are struggling to deal with the difficult problem of domestic violence, e.g. a new California law says domestic violence may be a factor in custody, while Texas requires a "history or pattern of abuse" to distinguish between real abuse and the fabricated charges that can occur during a custody battle.

NCCR believes Congress should have studied these approaches carefully before sending a signal to the states that might harm children.

NCCR thanks our many supporters who wrote to House members successfully urging a strengthening of the amendment, from "evidence" to "credible evidence" prior to denying custody to a parent accused of abuse. Yet problems remained with the Resolution, even in its amended form.

The two bills — S. 2754 and S. 185, are expected to be introduced in the next Congress in early 1991 (when they will be assigned different numbers). NCCR much prefers to be in favor of legislation than against it, and we hope that we, and all of our readers, can use this successful flow of information to Congress that we have engaged in regarding these two bills to now network more with other groups. We urge all groups to begin now to network with group interested in bills such as the above (pro and con), prepare reasonable, fact-based position papers on the issues, and to express your concerns to those who represent you.



Rep. Morella

Evaluating and Presenting Joint Custody Research: A Guide for Joint Custody Advocates

By National Council for Children's Rights (NCCR) Staff

Part II of a series of articles. Part I appeared in the Summer, 1990 newsletter. Part III will appear in the Winter, 1990/91 newsletter. NCCR will soon issue a report that expands even further on the material presented in these articles.

Introduction

Child custody and divorce research in America is limited due to inadequate funding levels. However, most American researchers still manage to do remarkably good work by focusing on small, carefully controlled samples which are typical of substantial numbers of the divorcing population. By controlling for factors such as custody type, age, sex, race, marital status of the parents, and length of time after divorce, researchers are able to stay within their budget constraints and still get accurate results.

Most studies are 'point-in-time' where assessment is done once—almost always two or more years postdivorce.

They are uniform in measuring such things as age, sex of children and marital status of parents. Point-in-time studies are particularly valuable in comparing sole and joint custody.

Longitudinal studies are carried out over a period of time during which a number of assessments are made and generally are considered to be superior to point-in-time studies. However, the disadvantage is that the sample changes over the length of the study.

In longitudinal samples, parents remarry or begin a live-in relationship. These changes can have a profound affect on child adjustment. In addition there is almost always sample loss—sometimes over half, because the parents may move away or cannot be located. Thus in custody research the longitudinal sample

assessed at the second time period is generally quite different from the initial sample, whereas the point-in-time study would not deal with any changes in the family or the relationship.

Discussed below are the factors most important in evaluating custody research. The emphasis will be on two studies by Judith Wallerstein and her colleagues of the Center for the Family in Transition in Corte Madera, California.

These two studies are frequently misused by opponents of joint custody. They are the study comparing children in sole and joint custody in nonconflicted families (Kline, Tschann, Johnston, & Wallerstein, 1989), and the study comparing sole and joint custody children in highly conflicted families (Johnston, Kline, & Tschann, 1989).

Custody Classification

When child adjustment is being considered, the custody type should be what the parents practice, not what is in their divorce decree. Wallerstein and her colleagues have based their custody type on the divorce decree, not on what the parents practice.

In the nonconflicted sample (Kline, Tschann, Johnston, & Wallerstein, 1988), 35 children by decree were in joint custody and 58 in sole maternal custody. However, in the joint custody sample only 20 were actually in shared custody. The other 15 children visited on alternate weekends or less, which is the normal "visitation" (not shared physical custody) situation.

In the sole custody sample, 1 child was in shared custody and the rest visited on alternate weekends or less. Thus in reality 21 children were in joint custody and 72 in sole custody. The appropriate custody classification could have greatly altered the results.

In the conflicted sample, 35 chil-

dren were in joint custody and 65 in sole custody. Out of 35 joint custody children, 7 saw their parents on alternate weekends or less. Out of 65 sole custody children 6 were in shared custody.

Age and Sex

In general, divorce/custody researchers find that both age and sex influence the way children react to divorce. Younger children, especially boys—at least in the short term—appear to be more seriously affected (Wallerstein & Kelly, 1980; Hetherington, Cox & Cox, 1982).

Different researchers may vary the age range but the following is a typical breakdown of child developmental stages:

- Infancy, under 1.
- Toddler 1 - 3.
- Preschool, 3 1/2 - 5.
- Early latency, 6 - 8.
- Late latency, 9 - 12.
- Adolescence 13 - up.

Younger children who are parent-oriented are much more likely to wish to live with both parents than peer oriented older children.

In a survey of 1,200 children whose parents were divorcing, it was found that 90 percent of the children under the age of eight had a strong desire to live with both parents, while 76 percent between the ages of 8 and 10, 44 percent between the ages of 10 to 12, and only 20 percent for children between 13 and 16, wished to live with both parents (Raines, 1985).

It is obvious that the younger parent-oriented children are far more likely to want a joint custody arrangement than the older peer-oriented children, who tend to prefer making their own access (visitation) schedules.

Continued on next page

In the study on nonconflicted joint and sole custody families the oldest child from each family was selected for study (Kline, Tschann, Johnston, & Wallerstein 1989). Twenty-seven percent were 12 to 14 years old - a percentage very likely large enough to obscure the advantages joint custody offers younger children. The same situation also holds true for the study on conflicted families (Johnston, Kline, Tschann, and Campbell, 1988).

Most studies which show joint custody children to have better adjustment than their sole custody counterparts or other advantages focus on younger children and have a narrower age range usually covering 6 or fewer years, for example 4 1/2 to 10 (Welsh-Osaga, 1981), 5 - 12 (Karp, 1982), 5 - 13 (Pojman, 1982), 6 - 11 (Shiller, 1986).

Some researchers such as Pojman and Shiller limited their sample to boys, which makes sense in light of the fact that boys have greater short term problems adjusting to divorce than girls.

Parent Characteristics

The 184 families recruited for participation in the study of nonconflicted families (Kline, Tschann, Johnston and Wallerstein, 1988) were drawn from one California county—Marin, with a population of 222,568.

The 129 families recruited for the conflicted sample (Johnston, Kline, and Tschann, 1989) could not, however, be recruited from one county. They were recruited in four counties—San Francisco, Marin, San Mateo, and Alameda—with a total population of 2,594,250 (U.S. Department of Commerce, Bureau of the Census, 1983).

Thus the size of the conflicted sample was only 70 percent of the nonconflicted sample and yet it had to be drawn from a population base almost 12 times as large.

This indicates that the divorcing population in the conflicted

sample is representative of only about 6 percent of the entire divorcing population. It is not typical of the divorcing population in general.

The parents of the latency-aged children in an earlier study of the conflicted sample was found to be 4 times more verbally aggressive and 36 times more physically aggressive than a normal divorcing sample (Johnston, Campbell, and Mays, 1985). In addition it was found that 89 percent of these parents were assessed as having DSM-III trait indicators of personality disorder. It is, of course, inappropriate to base legislation on such an atypical sample.

In a longitudinal study of mediated and adversarial divorce, the parents reported significantly less child-specific conflict than marital-conflict prior to divorce. They also reported significantly better cooperation at separation regarding their children than over-all levels of cooperation in areas not related to children (Kelly, Gigy and Hausman, 1988). In light of this it is important to distinguish between conflicted families where the conflict is predominantly child-specific as opposed to marital-specific.

Another recent study found that parents could learn to significantly reduce the amount of conflict they expose their children to after divorce in as few as four one-hour sessions of instruction (Hiatt, 1990). The implications of parental training for joint custody advocates is obvious.

Type of Custody Order

Highly detailed parenting orders which leave nothing to negotiation have been found to enable highly conflicted parents to maintain a much higher level of functioning whether in joint custody or in sole custody (Williams, 1987).

Child advocates need to educate legislators, judges, mediators, and mental health professionals to the value of the highly detailed nothing-left-to-negotiation orders for highly conflicted parents.

None of the studies on families

after divorce, including the Wallerstein study, have taken into consideration the highly detailed nothing-left-to-negotiation order versus the little detail a-lot-left-to-negotiation order into consideration. This serious omission greatly diminishes the value of those studies.

Discussion

Data collection for both the conflicted and nonconflicted families was done in 1981-1983 (Wallerstein and Blakeslee, p. 270, 1989 and Johnston, Kline, Tschann & Campbell, 1988). This was very close in time to passage of joint custody legislation in California when judges were still unsure of how to implement the law — especially in the case of highly conflicted families where either one or both parents have poor parenting skills and/or psychopathology.

Unfortunately, there are far too many noncustodial and joint custody parents who have both good mental health and good parenting skills who must continually remain in conflict with the custodial/joint custodial parent who has poor parenting skills and/or psychopathology in order to protect their child.

Leaving a child in the custody of a psychiatrically ill parent or a parent with poor parenting skills can be disastrous for a child (Wallerstein & Kelly, pp. 224-230, 1980). Judges with more experience in implementing joint custody are not as likely to leave a child in the custody or joint custody of a problematic parent.

The attrition rate in the nonconflicted sample was quite high with 83 of 184 families dropping out (45 percent) in the first two years of the study. The authors do not explain the makeup of this attrition sample, such as the numbers of sole and joint custody families dropping out and how they compared to the nonattrition sample at the start of

Continued on next page

the study (Kline, Tschann, Johnston & Wallerstein 1989).

The attrition rate in the conflicted sample was less, with 29 of 129 families dropping out (22 percent). In addition, 33 percent of the fathers and 29 percent of the mothers had remarried or were living with someone else (Johnston, Kline, and Tschann 1989).

Remarriage and live-in lovers are both stressful to children and can have a profound effect on child adjustment. Because of the high attrition rate in the nonconflicted sample, it is hard to determine just how representative these families are of conflicted families in general.

In areas where the attitude towards joint custody is highly positive, it encourages positive outcomes and vice versa. A study done in a positive joint custody jurisdiction may have a different outcome than one done in a negative joint custody jurisdiction.

The authors of the conflicted family study state "The climate of controversy over joint custody statutes and their implementation is reputed to have nurtured very different attitudes and policies towards shared parenting in the states and local courts throughout the county. Some jurisdictions are ideologically more committed to joint custody and frequent visitation, which directly influences custody and access outcomes through judicial orders and indirectly influences parental bargaining in attorney negotiations and mandatory mediation...." (Johnson, Kline, and Tschann, 1989).

If the authors had dropped the words "is reputed to" from the above quote they would gotten it exactly right. They should have told us what the judicial climate is regarding joint custody in the four counties they drew their sample from.

Finally, the authors (Johnston, Kline, Tschann) of the conflicted family study state "This study evaluated only the more extreme subgroup of litigating families who were unable to resolve their differ-

ences despite the help of court mediators... This study did not address the child outcomes for the much larger group of litigating families who are able to successfully mediate with the help of family court services. This population has yet to be studied." This is exactly right!

The extremely small population represented by this atypically conflicted sample and its other shortcomings make it totally inappropriate as a basis for weakening joint custody legislation.

Bibliography

1. Hiatt, N.K.B. (1989). Reducing child exposure to discord with divorcing couples. Doctoral dissertation, University of Oregon. UMI Order No. 90-03319.
2. Kelly, J., Gigy, L. & Hausman, S. (1988). Mediated and adversarial divorce: Findings from a comparative longitudinal study. In J. Folberg & A. Milne (Eds). *Divorce Mediation: Theory and Practice*, New York: Guilford.
3. Johnston, J.R., Gonzalez, R. and Campbell, L.E.M. (1987). Ongoing postdivorce conflict and child disturbance. *Journal of Abnormal Child Psychology*, 15, 493-509.
4. Johnston, J.R., Kline, M., Tschann, J.M., and Campbell, L.E.G. (1988). Ongoing postdivorce conflict in families contesting custody: Does joint custody and frequent access help? Paper presented at the 65th Annual meeting of the American Orthopsychiatric Association, March 30, 1988.
5. Johnston, J.R., Kline, M., and Tschann, J.M. (1989). Ongoing postdivorce conflict: Effects on children of joint custody and frequent access. *American Journal of Orthopsychiatry*, 59, 576-592.
6. Karp, E. B. (1982). Children's adjustment in joint and single custody: An empirical study. Doctoral dissertation, California School of Professional Psychology, Berkeley. UMI Order No. 83-5977.
7. Kline, M., Tschann, J.M., Johnston, J.R. and Wallerstein, J.S. (1988). Child outcomes in joint and sole custody families. Paper presented at the 65th Annual Meeting of the American Orthopsychiatric Association, March 30th, 1988.
8. Kline, M. Tschann, J.M., Johnston, J.R., and Wallerstein, J.S. (1989). Children's adjustment in joint and sole physical custody families. *Developmental Psychology*, 25, 430-438.
9. Pojman, Everett G. (1982). Emotional adjustment of boys in sole custody and joint custody compared with adjustment of boys in happy and unhappy marriages. Unpublished doctoral dissertation. California Graduate Institute, Los Angeles.
10. Raines, P.M. (1986) Joint custody and the right to travel: Legal and psychological implications. *Journal of Family Law* 24, 625-639.
11. Shiller, V. (1984). Joint and maternal custody: The outcome of boys age 6 to 11. Doctoral dissertation, University of Delaware. UMI Order No. 85-11219.
12. Shiller, V. (1986). Joint versus maternal custody for families with latency age boys: Parent characteristics and child adjustment. *American Journal of Orthopsychiatry*, 56, 486-489.
13. U.S. Department of Commerce, Bureau of the Census (1983). *1980 Census of Population: General Social and Economic Characteristics Part 6*, California.
14. Wallerstein, J.S. and Kelly, J.B., (1980). *Surviving the Breakup: How Children and Parents Cope with Divorce*. New York: Basic Books.
15. Wallerstein, J.S. and Blakeslee, S. (1989). *Second Chances: Men, Women and Children A Decade After Divorce*. New York: Tichnor and Fields.
16. Welsh-Osga, B. (1981). The effects of custody arrangements on children of divorce. Doctoral dissertation, University of South Dakota. UMI Order No. 82-6914.
17. Williams, F.S., Cedars-Sinai Medical Center of Los Angeles (1987). Child custody and parental cooperation. Paper presented at the American Bar Association Family Law Section, August 1987 and January, 1988.

Doctoral dissertations can be ordered from University Microfilms International, 3009 N. Zeeb Road, Ann Arbor, Michigan 48106, or by calling toll-free 800-521-3042.

Unable to attend NCCR's Fifth Annual Conference?

Order copies or audio tapes of some of the proceedings. The following are available:



Written Reports

Presentations at NCCR's Fifth Annual Conference (submitted by Sept. 25, 1990). "New Approaches for Children in the Nineties" Oct. 18-21, 1990. Presentations by Frank S. Williams, M.D., David W. Lloyd, Esq., Ralph Underwager, Ph.D. & Hollida Wakefield, M.A., Dr. Edwin Carlson, and Phyllis B. Simon. 32-page book. **\$10.00**

Transcript of talk by Frank S. Williams, M.D. of Cedars-Sinai Hospital, Los Angeles, Calif., on "How to Avoid a Parentectomy" (the removal of a Parent from the Child's Life). Expands on written material in written presentations, above. **\$8.00**

Copy of talk by Anna Keller, Vice President, NCCR, on "New Directions in Family Research," (expands on written material in above booklet). **\$8.00.**

Audio Tapes (60-90 minute each) \$8.00 each

1. **Creative Solutions to Custody Conflicts**, Michael L. Oddenino, NCCR General Counsel, Arcadia, California.
2. **Child Support Guidances**. Ron Henry, Attorney, Washington, D.C. and Fred Tubbs, President, Vermonters for Strong Families, Montpelier, Vermont.
3. **Beyond Joint Custody: Creative Custody Arrangements to Maximize Both Parents' Involvement With Children**. Joseph Condo, attorney, Alexandria, Virginia.
4. **Trends and Developments in Joint Custody Legislation**. James A. Cook, President, the Joint Custody Association, Los Angeles, California.
5. **The Ten Commandments of Custody Litigation — for Clients and Attorneys**. Gerald Solomon, Esquire. New Carrollton, Maryland.
6. **Advocacy in the States for Children's Rights Activists**. Heads of NCCR state chapters: John Haring representing Bruce Gillman, New Jersey; Fred Tubbs, Vermont; Sandra Armstrong, Alaska; Eric Anderson, Texas; Elliott Diamond, NCCR co-founder, moderator.
7. **What is Happening in the Black Family**. Judge Reggie B. Walton, associate director of the Office of National Drug Control Policy, Executive Office of the President, Washington, D.C.
8. **Child Care, Family Structure and Delinquency**. Edith Flynn, Ph.D., professor in the College of Criminal Justice, Northeastern University, Boston.

We regret that transcripts are not available for any other presentations given at the conference.

I wish to order

Total cost _____
 NCCR members deduct 20 percent: _____
 Shipping cost (\$2 first item, \$.50 add'l items) _____
 D.C. residents add 6 percent sales tax _____
 NCCR membership (\$25) optional _____
 Total enclosed _____
☐ I've enclosed cash
☐ Please bill my credit card MC _____ Visa _____
 Card # _____ Exp. date: _____
 Signature _____

(Please print name) _____
 Address _____

The NCCR catalog lists more than sixty books, written reports, audio-cassettes, model bills and gifts for children. Members can receive additional free copies of the catalog by contacting NCCR. Non-members can order one for \$1.00. Write: NCCR, 721 2nd St. N.E.,

Letters to the Editor

Editor:

I am writing about the Zwernemann case in New Jersey in which an appellate court upheld a state statute that permitted a judge to give custody to a parent if the other parent planned to permanently remove the child from the state.

The appeals court, taking cues from the NCCR friend of the court brief, noted in its decision that the boy's "rights... are at least as worthy of constitutional protection as those of his mother or father."

Despite the importance of the ruling, the New Jersey Committee on Opinions did not release the Zwernemann decision for publication, and were it not for publicity given to the case by NCCR and the New Jersey Council for Children's Rights (NJCCR), the ruling would have been largely unknown to the public or the bar.

Indeed, within a month after the May 1989 court ruling on Zwernemann, our New Jersey Supreme Court granted certification in *D'Amico v D'Amico* wherein the father wished to

remove a child to Florida. I was disturbed that apparently no party was aware of the Zwernemann precedent nor its impact on *D'Amico*.

Despite that fact that I have had no legal training, I entered an appearance as a friend of the court in *D'Amico*. I wanted to make the parties and the court aware of the Zwernemann precedent, and to try to ensure that the Zwernemann advances would not be eroded by a published New Jersey Supreme Court ruling which might be less favorable to children's rights than that established in Zwernemann.

Within a month after my motion to appear amicus and the filing of my brief, the *D'Amico* parties settled out of court.

What is more important is that the Zwernemann decision was very quickly released for publication and is now generally available to the public.

It is my feeling that because an ordinary citizen (myself) was aware of the Zwernemann decision and was able to cite it at a high level of review, caused its release for publication by

the New Jersey Supreme Court committee on opinions.

Members of NCCR and NJCCR should be very proud to know that these organizations have participated in this important case. The case citation is *Zwernemann v. Kenny*, 236 N.J. Super. 37, 45, 563 A.2d 1158 (Ch. Div. 1989), *aff'd*, 236 N.J. Super. 1, 563 A.2d 1139 (App. Div. 1989).

Thus, the case can be cited in New Jersey and elsewhere in the country as one parent seeks to prevent the removal of their children from the other parent.

NCCR and NJCCR...keep up the good work.

— Steven A. Gregory
Pitman, New Jersey

Ed. note: Steven A. Gregory deserves a medal! Who says one individual can't move mountains? NCCR knew the Zwernemann opinion had not been published, and we were very concerned about that, but we don't have to be concerned any longer, thanks to you, Steven A. Gregory!

Directory of Organizations

Copies of the second edition of NCCR's "Directory of Organizations" are still available. This Directory lists more than 1,200 organizations involved in custody reform, mediation, and family assistance. The Directory is very useful for making referrals around the country to and from your organization. For copies of the second edition, members send \$6.00 to NCCR, non-members send \$7.00.

Inside NCCR

NCCR is pleased to note that Ed Mudrak, of Rockville, Md. has accepted the post of Associate Director of Information Services. Mr. Mudrak has done an outstanding job of helping to

maintain one of NCCR's most important resources—our data base. Mr. Mudrak works at NCCR's office in Washington, D.C.

We are also pleased that Deanne Mechling, also of Washington, will serve as NCCR Director of Publications. Ms. Mechling runs the NCCR Bookfair at NCCR annual conferences and also maintains the book list in our Catalog of Publications, so people may order books from NCCR the year round.

Child Care Bill Passes

NCCR is pleased to note that Congress passed a child care bill, following two decades of effort, that provides tax credits and direct grants for care of children of working parents, with most of the money going to low-income families. The law also provides for rules to encourage and guide development of child care services. But pa-

rental leave legislation to require employers to give workers unpaid leave when children are born or family members fall ill was vetoed by President Bush.

We will report in our next issue (Winter 1990/91) on child abuse provisions included in the Crime Bill that Congress also passed.

Law Firm Helps with Logo

NCCR appreciates the efforts of the law firm of Grimes and Battersby, and in particular Charlie Ruggiero, a partner in the firm, for assistance in obtaining trademark protection for our National Council for Children's Rights logo. Grimes and Battersby, experts in intellectual property law, are located at 8 Stamford Forum, Stamford, Connecticut, 06901, phone (203) 324-2628.

Federal Law Guarantees NonCustodial Parent School Records

A U.S. law, the Federal Education Rights and Privacy Act, commonly known as FERPA, protects student rights, especially the privacy of the student and his or her record.

This law (also known as the Buckley Amendment) defines who has access to the school record. The record is available to parents and anyone else "in parental relation" to the child (hereafter referred to as parents).

FERPA specifically affirms that non-custodial parents have a right to look at the school record, and attend parent-teacher conferences. The law says the school record includes but is not limited to report cards.

Every student generally has a school record or folder which includes report cards, a description of handicapping conditions, disciplinary reports, psychological records, speech records, health records, etc. Parents have the right to see these records, under FERPA.

The school can take up to 45 days to set up an appointment whereby the parent can come in and inspect the records. The parent has the right to challenge or attempt to correct what is in the record.

If the parent is physically handicapped or lives far away from the school, the school is obligated to send the parent the material. The school has a right to charge the parent for copying and sending this material.

The only thing that can prevent a parent from seeing those records is a court order prohibiting contact with the school. The custodial parent has no rights or power to prevent the other parent from having access to the records.

FERPA is applicable only to public schools. However, if a private school accepts any federal funds, it is assumed that it would also come under FERPA.

State Laws

Several states have laws stronger than this federal law, such as Texas and Iowa, which say that the non-

custodial parent also has access to medical records from doctors as well as school records. The federal government does not grant access to medical records.

Some states also provide for punitive measures for schools that do not readily comply with the non-custodial parents' requests. In fact, FERPA itself provides for the possibility of sanctions, including the withholding of federal funds to schools who do not comply.

The first thing a parent should do is visit the school and introduce yourself within the first 30 days of your child enrolling in the school. This should start with kindergarten.

Be very friendly and positive. Be interested. Ask for PTA meeting dates, social events and sporting events dates. It is very important to ask for a school calendar. Lots of information appears on a school calendar. Pick up any pamphlets in sight. Ask for any special curriculum outlines for your child's particular grade.

Leave self-addressed stamped envelopes so that copies of report cards and other information can be mailed to you.

Some school officials will tell you that the custodial parent has said there is to be no contact with you. Other school officials may say they will check with the custodial parent for permission. Have a very firm, but assertive statement to the effect that federal law and in some cases state law protects your rights to the record, without any permission being granted by the other parent, even if objections are raised by the other parents.

For information, contact the Family Policy Compliance Office, U.S. Department of Education, Room 3017, Federal Building No. 6, 400 Maryland Avenue S.W., Washington, D.C. 20202-4605, phone (202) 401-2057. They will call or write the school informing them of their obligation.

Robert Fay, a pediatrician in Albany, New York, who contributed substantially to this article, recommends that from the beginning, a parent should not accept any statements from school officials to the effect

that "we checked with your ex-spouse and it is OK with her/him, and so we will send you the records." An immediate response should be made that the power to grant access also includes the power to deny access in the future, and such power does not rest with the custodial parent, but rests with federal law.

Fay was the first person known to have sued under FERPA. In our next issue, we will describe Dr. Fay's successful 7-year effort to obtain the school records of his two children, culminating in a court decision that held a school liable for denying records to a parent. If you wish to reach Dr. Fay, he is at 50 Lincoln Avenue, Albany, NY 12205, phone (518) 452-1710.

Announcements

The Academy of Family Mediators will hold its 1991 conference in Seattle, Washington on July 15-17, 1991. The theme of the conference is "The Next Ten Years. Building on A Decade of Dreams, Commitment and Growth." For information, contact the Academy of Family Mediators Conference Committee, P.O. Box 10501, Eugene, Oregon 97440, phone (503) 345-1205.

The American Orthopsychiatric Association will hold its 68th annual meeting March 23-26, 1991 in Toronto, Canada. The theme of the meeting is "Violence in the Lives of Families and Children in Poverty. Clinical and Social Strategies." For information, contact American Ortho at 19 W. 44th Street, New York City, New York 10036, phone (202) 354-5770.



CHECK IT OUT!

Advertise in

Speak Out For Children.

For a rate card, write: NCCR Ads,
NextStep Publications
1485 3rd, Astoria, OR 97103
Or call (503) 325-8828

Interstate Commission Urged to Act on Emotional Support

The Interstate Child Support Commission has held its first two public hearings—on August 28, 1990 in Baltimore, and September 4, 1990 near Newark, New Jersey.

The Commission was established by Congress as part of the 1988 Family Support Act to hold hearings around the nation, to deliberate, and to make recommendations to Congress.

NCCR President David L. Levy and Ronald K. Henry of the the Baker and Botts law firm testified at the Baltimore hearing with a similar message: children of divorce need emotional support (parenting) as much as financial support.

They thus supported the efforts of Don Chavez of New Mexico, who represents non-custodial parents on the Commission, to get the Commission to adopt a definition of support that would include emotional as well as

financial support. The Commission's mission statement, adopted prior to its first hearing, does not mention emotional child support and access (visitation). (See *Speak Out for Children*, Summer 1990, page 15).

Other Witnesses Supportive

Other witnesses also emphasized the need for the Commission to be concerned with emotional child support, custody and access (visitation). Jon T. Ferrier, of Michigan's "Friend of the Court" system, testified "Until I personally have some effective response to the sincere concerns that I hear but cannot now address... over visitation and custody issues, I can't tell you I'm doing a complete job. It's time to give sense to the sense-of-the-Congress resolution (passed by Congress in 1984) and to realize that it's

not just the efficient flow of money over state lines that makes for healthy, well-adjusted children. It's also continuing contact with two parents who love them."

In Michigan's "Friend of the Court," staff resolves access (visitation), custody, and financial child support problems informally out of court. (Texas has recently adopted a similar program).

At the New Jersey hearing, Scott Hallman, President of FACE (Fathers and Children for Equality) and Bruce Eden, an officer of the New Jersey Council for Children's Rights (NJCCR) also testified in favor of emotional as well as financial child support.

In addition, a group of 50 or more members of FACE and NJCCR present at the hearing burst into thunderous applause during and after the FACE and NJCCR testimony. It was one of the rare hearings where non-custodial parents and second spouses outnumbered custodial parents.

— John Siegmund, NCCR writer

NCCR Babies



Margaret Grace Diamond



Kristofer Garriott



Erica Olson

Two people very active in NCCR, and one who works for a Senator who is very supportive of NCCR, have become proud parents within the past few months. They are Elliott H. Diamond, Gary Garriott, and Carol Olson.

Elliott H. Diamond, a co-founder of NCCR, became a father again, when his wife Marife, formerly of the Philippines, gave birth to Margaret Grace Diamond, on July 23, 1990. Elliott and Marife have two other young children. Elliott also has three grown sons from an earlier marriage (six children in all).

Gary Garriott's wife Valerie gave birth to a baby boy named Kristofer on September 14, 1990. Gary does volunteer work for NCCR. Gary has two children from a former marriage named Omar and Kahlil.

Carol Olson, legislative aide to

Sen. Charles Grassley (R-IA), who has helped NCCR on many occasions, gave birth to Erica, her first child, on September 2, 1990. Carol's husband Lew works for Sen. David Durenberger (R-MN). Sen. Durenberger has also been very supportive of NCCR.

All the babies and their parents are doing fine.

Volunteers Needed

Someone with organizational skills is needed to be NCCR's 1991 conference coordinator. Although the conference will be held in Washington, you may help from anywhere in the country. Volunteers are also needed to assist with the conference, and in these other areas: in Washington, responding to inquiries in our Capitol Hill Office, helping with advocacy on Capitol Hill, from anywhere in the country, contacting the media, helping with mail-outs and phone calls to NCCR supporters, contacting foundations and corporations for funding, helping to form a Political Action Committee, holding a fund-raiser for NCCR and your local group (bake sale, dinner honoring a children's rights advocate, used book sale, etc.).

Commission Hearings Scheduled

The Interstate Child Support Commission has tentatively scheduled a public hearing for January 24, 1991 in Los Angeles, and March 2, 1991 in Chicago.

If you can testify at a hearing, you should do so. If you cannot testify, consider submitting a written statement. For information, contact:

Mr. Vernon Drew, Executive Director, Commission on Interstate Child Support, 1120 Vermont Avenue, N.W., Suite 680, Washington, D.C. 20005, Phone (202) 254-8093.

Around the Country

Alaska

Father/Daughter United After 8 1/2 Years

Corin was 2 and a half years old when her father Ray Hull last saw her. He had joint legal custody under a California court order, but was living in Alaska. He made repeated attempts through California authorities to locate Corin, but was unsuccessful. Ray never gave up and finally contacted Alaska Dads and



Moms. Alaska Dads and Moms wrote a lengthy letter to the county where the divorce occurred and the county of suspected residence, with copies of the letters to the district attorneys and presiding court judges. Ray Hull received his first collect call from Corin in August, 1990. Soon, weekly phone calls ensued, and in September, 1990 Ray was reunited with his daughter for the first time in 8 1/2 years. The mother was arrested for child concealment by the district attorney, but the charges have subsequently been dropped by a new acting district attorney, according to Sandra Armstrong, NCCR state coordinator in Alaska. Ms. Armstrong particularly gives credit to Tehama County, California Fathers Association and an investigator in Tehama County who provided Ray Hull with an eight-year list of contacts in an effort to find Corin.

"This kind of heartwarming victory for access between a parent and a child makes all our efforts worthwhile," said Armstrong.

California

New Rights for Unwed Parents and Children

A new law in California authorizes unwed fathers to petition courts for hearings and consideration of visi-

tation, joint or sole custody, although the mother is married to another man.

Previously, California law conclusively presumed that the husband of the mother was thereby the father. Only the mother or her husband could petition for paternity testing, a procedure used most recently to enforce child support collection from unwed fathers who were not the husband.

On June 15, 1989, the U.S. Supreme Court, in a 5-4 vote, upheld California's prior statute law denying a biological father visitation rights to an 8 year old daughter with whom he had lived (although in that same case, in which NCCR filed an amicus curiae brief, the high court opened the door to unwed fathers generally to petition for parenting rights.)

The Joint Custody Association, headed by James A. Cook of Los Angeles, undertook the task of trying to change California law. Sen. Quentin L. Kopp, successfully carried the bill (S.B. 1515) to passage, and it was signed by Gov. George Deukmejian in August, 1990.

Michael Hirschensohn, whose daughter was the subject of the Supreme Court case, plans to make further attempts under this new California law to establish a relationship with his daughter.

Kansas/Missouri

Pre-Court Trial Services

NCCR President David L. Levy and Isolina Ricci, statewide coordinator, Administrative Office of the Courts, San Francisco, California, were the featured speakers at the Association of Family and Conciliation Courts (AFCC) North Central Regional Conference, September 27-28 in Kansas City, Missouri.

The AFCC, founded in 1963, is a professional organization that helps to improve the practice and procedures of family court services, and works for solutions to problems of family disorders.

During the conference, Levy was invited by pre-court trial officers Micky

James and Bev Willis, Wyandotte County (Kansas City) Kansas, to observe a two-hour session all divorcing couples with children must attend in Wyandotte County.

The class, held on a Thursday afternoon, includes a 45-minute film entitled "S.A.D. (Sensible Approach to Divorce)" approved by the County Bar Association and the courts, which provides tips on do's and don'ts for parents, such as how to avoid "I Spy" and "Messenger" games.

During the remainder of the two hours, Micky James and Bev Willis discuss the grief process with parents, offer guidance, and answer questions. The aim is to provide an impetus for the parents to draw up cooperative parenting agreements with their spouses, so that they may both remain active in the child's life after the divorce.

Although some parents continue to litigate after this two hour class, most parents settle their cases with their ex-spouses, and provide for co-parenting, said Willis.

"That class, although low-key and sensitive, made the parents realize how important it is to not battle over their children, and to keep both parents in the picture," said Levy. "If every county in the country had such a program, many of the custody battles in this country would not take place."

NCCR, which gave a "Healer" award in 1987 for this 45-minute film to Bev Willis, the Wyandotte County Bar Association, and its then president Karen Shelor, has obtained permission to make copies of the 45-minute film available. Copies (on VHS) are \$50.00 for non-NCCR members, and \$40.00 for NCCR members. Send remittance to NCCR.

Child Support Analysis

For presenting your own case in court (Strictly confidential) or for presenting to your legislature. Includes proposals for equitable results in a variety of situations. Laser quality data and graphs.

Sharp Data

When you want to make a POINT!

Fred Tubbs (802) 223-0873

RFD 1 box 284A

East Montpelier VT 05651

Serving all 50 states.

100 People Hear Message from President Bush at Candlelight Vigil

President Bush sent a message to the first candlelight vigil ever held by NCCR, at the Lincoln Memorial on behalf of positive parenting. About 100 persons heard the greetings from the President, which were read during the Vigil on October 18, 1990 at 10:00 p.m. The Vigil was part of NCCR's Fifth Annual Conference.

The President's message stated:

"I am pleased to send warm greetings to all those gathered in our Nation's Capital for the Candlelight Vigil held by the National Council for Children's Rights.

"Children are a great and precious blessing, and parents have no more serious nor more rewarding responsibility than to provide their little ones with physical, emotional, and spiritual support. This special event underscores the important role that both a father and mother play in meeting their children's needs—not only their need for material goods but also their need for love, attention, affection, discipline, and guidance. Your efforts to promote strong family ties and devoted parenting are indeed heartening, and they help to demonstrate that, although a parent and child may live apart, they can maintain a close, lov-

ing relationship.

"Barbara joins me in sending our best wishes to everyone taking part in this Candlelight Vigil. God bless you and the children you serve."

(signed) George Bush

The 6,650,000

The vigil served to validate the estimated 6,650,000 children who are having their access (visitation) with their non-custodial parents denied or interfered with by the custodial parents. Legislatures and the courts are doing little to prevent this interference, in NCCR's view.

At the vigil, a roll-call of the states was read, to indicate how many children in each state are having their access (visitation) denied or interfered with by the custodial parents.

Attendees at the vigil braved a windy evening, with candles flickering in the shadow of Abraham Lincoln, to read the figures.

Although the numbers of children who do not receive financial child support are frequently cited in the media and research papers, this is the first time, to NCCR's knowledge, that anyone has attempted to provide fig-

ures on children who do not receive access (visitation) with the non-custodial parents. We suggest you cite these figures when giving testimony in your state.



President Bush

The 6,650,000 million was calculated as follows: there are an estimated 1,000,000 minor children of divorce each year, times 18 years, for a total of 18,000,000 million children of divorce in the U.S. Various studies, including research by Wallerstein and Kelly in *Surviving the Breakup* (Basic Books, 1980) indicate custodial interference with access in 25% to 50% of cases. Using a middle figure (37% as an average) of children suffering from interference with access, times 18,000,000, yields about 6,650,000 children. Census figures for each state provided estimates for the number of children in each state who are affected. Piotr Blass, NCCR's Florida coordinator, provided the calculations.

The estimated number of children whose access (visitation) to a non-custodial parent is interfered with by a custodial parent.

State	Number of Children
Alabama	115,000
Alaska	10,000
Arizona	69,000
Arkansas	65,000
California	700,000
Colorado	85,000
Connecticut	90,000
Delaware	16,500
Dist. of Colum.	18,000
Florida	298,000
Georgia	161,000
Hawaii	28,000
Idaho	27,000
Illinois	336,000
Indiana	162,000
Iowa	85,000
Kansas	68,000
Kentucky	100,500
Louisiana	123,000
Maine	33,000
Maryland	123,000
Massachusetts	185,000
Michigan	270,000
Minnesota	119,000
Mississippi	74,000
Missouri	144,000
Montana	22,500
Nebraska	46,000
Nevada	22,000
New Hampshire	27,000
New Jersey	216,000
New Mexico	39,000
New York	518,000
North Carolina	172,000
North Dakota	18,000
Ohio	316,000
Oklahoma	99,000
Oregon	83,000
Pennsylvania	349,000
Rhode Island	27,000
South Carolina	99,000
South Dakota	19,000
Tennessee	135,000
Texas	419,000
Utah	45,000
Vermont	15,000
Virginia	157,000
Washington	122,000
West Virginia	56,500
Wisconsin	135,000
Wyoming	13,500
Total	6,650,000

Another Letter to Senator Bradley

In our Spring, 1990 issue, we had an article stating that the past record of Sen. Bill Bradley (D-NJ) in the Senate was unfair on domestic relations issues, and not at all balanced. In our Summer, 1990 issue, Senator Bradley replied. We now print our further reply, which was delivered to Sen. Bradley's office on June 1, 1990. We have had no response to the letter below, despite several requests to the Senator's office for a response.

To Senator Bradley:

We appreciate your considering making retroactive modification of child support orders in the states a "rebuttable presumption" rather than continuing the current outright ban. You can see the need (e.g. to avoid double payments for periods when the parents were reconciled or when there was an informal change of custody); more injustices will occur with a lengthy delay for "study" by the interstate child support commission. Therefore, we urge you to introduce a bill yourself, now.

We also urge you to encourage Sen. Harkin to ask the Senate to fund the entire \$4 million authorized for access (visitation) projects in the Family Support Act for 1991.

We also ask you to let Sen. Moynihan know that you favor permanent funding of the access money, and to even introduce a bill yourself to this effect in January, 1991. We think it would take about \$40 million for a nationwide funding, to provide at least one access (visitation) mediator in each of the 1,600 largest counties in the country.

These funds could be met by a reasonable \$15-\$25 user fee for each person who avails himself/herself of access mediation staff assistance. This self-supporting program could result in substantially increased child support compliance, if the HHS-funded research by Pearson/Thoenes, and the results in Michigan are any indication.

As you know, Michigan collects more in child support per administrative dollar than any other state, and

Michigan officials such as Debbie Stabenow of the Michigan House and Dee Van Horn, acting administrator of the Friend of the court, credit Michigan's resolution, out of court, of both access (visitation) and child support complaints, for this high compliance.

Even though the report from HHS to Congress which evaluates the access demonstration projects is not due until 1992, we urge that a bill for the entire country be introduced early in the next Congress. A model bill is enclosed for your consideration.

Other recommendations:

1. The Interstate Child Support Commission should encourage testimony and recommendations dealing with access, because of its relationship to support. One is not dependent on the other, but they are related.

2. To introduce a bill to permit the non-custodial parent to also claim a deduction for the child if he/she has paid all of his/her court-ordered child support. This would further encourage child support compliance, and be fair.

3. Amend the federal privacy laws (42 U.S. Code) to allow full access by non-custodial parents to the Federal Parent Locator Service.

Finally, although a bill to establish an Interstate Access Commission may have initially had some language tying support to access, we understand that proviso was quickly dropped by Sen. Durenberger the moment your objections became known, Sen. Bradley. Thus we do not know of any reason why the amended bill for a commission (S. 1511) continued to be opposed by you. Although a commission would bring many issues to light, we urge your focus to be, if you would, on specific legislation, such as outlined in this letter.

We appreciate the dialogue with you, and we would like to continue communicating with you.

Sincerely yours,
David L. Levy, Esq., President, NCCR



Sen. Bradley

Thanks to Our Contributors!

We wish to thank those who have joined, renewed their membership or ordered materials from NCCR from June through September 1990. * Denotes life member of NCCR (contributions totaling \$500 or more).

Jed Abraham
Mendel Abrams
Joan Anderson
Ray Anderson
Rob Armstrong
Wally Babington
Joel Bankes
Greg Beard
Sharon Berg
Janet Berashback
Reed Blaylock
Elizabeth Borchers
Wade Bowie
Dennis Boytim
Jill Breslau
Robert Brown
E. Fulton Brylawski
Horace Burmeister
Jeannie Burns
Grace Cavanaugh
Lawrence Cheskien
Ferrel Christensen
David Clift
Barbara Cloud
* Stuart Cochran
David Cornell
David Cowart
Charles Crawford
Leonie Davimes
* Elliott Diamond
David Dinn
Wiley Dobbs
Scott Donaldson
George Doppler
Annette Dunn
Martha Dygert
Alfred Ellis
Teresa Ellison
A. Fernandez-Mira
William Feltzner
Ben Fischler
Adam Fivenson
Bernadette Foley
Donald Forslund
Tommy Foster
William Garlette
Gary Garriott
Jim Gauthier
Edmund Gibbons
Joanne Gilden
Leonard Goldberg
Cora Lynn Goldsborough
Carolyn Goodman
Carla Goodwin
Donald Gordon
Robert Green
Gina Grimaldi
Michael Hanna
Barry Harvey
Sue Hathorn
John Haynes
Ronald Heilmann
Arthur Hemmerlein
Bonnie Hemmerlein
David Hoffman
William Hollberg
Charles Hubbard
R. Hutzler
Barry Inglett
Jennifer Isham
Arthur Jones
Robert Jenkins
Lance Johnson
Judith Jones
Arthur Katz
Chris Kelly
Jay Kerr
Jean Kilmer
Loren Kirkeide
Kirk Kitchin
George Klaus
Don Kling

Jim Klopman
John Koest
R. Kusiolek
Vicki Lanaky
Nadine Lavender-Petersen
George Lazar
Joseph Lehman
Dennis Lewis
Maura Liberatore
Mary Lill Lee
Jim Loewen
Ralph Logan
Carol Lowery
Carol Marks
Walter McGee
Hugh McIsaac
Marie McManmon
Mary McPhail Gray
James McWilliams
Catherine Menninger
James Merlo
August Miller
Susan Miller
Joseph Milling
Patricia Murphy
Thomas Nelipowits
Leslee Newman
Meridel Newman
Michael Niedzinski
Brian O'Brien
Rose Palmer-Phelps
Lawrence Penn
Gloria Peters
Marlin Pierce
Emanuel Plesent
Lori Plotkin Blum
Fred Potok
Sophie Price
Jack Quinn
Gilbert Quinones
George Rehn
Daniel Reiner
John Reynolds
Isolina Ricci
Barry Ringelheim
Paul Robinson
Heather Rowlinson
John Rutherford
Brent Sandbok
* Gary Santora
Richard Savell
David Schick
Lita Linzer Schwartz
Aletta Scuka
David Sewall
Steven Shapee
Elwyn Shaw
Judy Shopp-Heim
John Siegmund
Mary Siegmund
Kenneth Skilling
Donald Slagle
Albert Smith
* Donald Smith
Peter Sokaris
Debbie Stabenow
Henry Stevenson
Greg Stidham
* Glen Surbey
R. Kirk Suttell
* Robert Thomas
Steven Tidwell
Alicia Tiedale
Toni Tumonis
Larry Twombly
Dorothy Vallee
Beth Wanger
Evelyn Ward
Frank Welsh
Brent Whiting
Gloria Yerkovich
John Zimmermann
* Andrew Zwernemann

Three Dollar Bills Hurt Bradlëy



PHONEY AS A "THREE DOLLAR" BILL

Bradley is selling out The Family.
On Election Day
tell him you're not buying!

Opinion of:

NEW JERSEY COUNCIL FOR CHILDREN'S RIGHTS
PO BOX 615 WAYNE NJ 07474 201-694-9323



The New Jersey Council for Children's Rights (NJCCR) distributed about 30,000 copies of "Bradley Phoney as a Three Dollar Bill" funny money during the recent U.S. Senate campaign in New Jersey. Senator Bill Bradley, who was expected to win re-election to the Senate by a wide mar-

gin, narrowly squeaked to victory November 6, garnering 51 percent of the vote over relative unknown Christine Todd Whitman. Bradley, a Democrat, outspent Whitman, a Republican, 12 to 1.

NJCCR President Bruce Gillman said he was proud of the impact that

the 30,000 bills had on showing the public the negative aspects Bradley has towards non-custodial parents (see article on page 18).

NCCR hopes that Bradley will be more responsive to the concerns of non-custodial parents in the future.

NCCR Chapters

Florida and Texas are NCCR's newest chapters and were formed during the past three months. Piotr Blass of Boynton Beach, Florida, and Eric Anderson, of Austin, Texas, are coordinators in their states.

If you live in a state where there is an NCCR chapter, we urge you to join the chapter. In this way, you will be networking work with a chapter and national NCCR to reform custody law and attitudes around the country. By becoming a member of the chapter, you also become a member of National NCCR.

If you would like to learn if a chapter is forming in your state, or if you would like to form a chapter in your own state or community, write to NCCR for our all-new Affiliation Booklet.

This 37-page booklet explains everything you want to know about affiliation.

Coordinators of our state chapters maintain regular contact by a cross-country telephone conference call between the chapters and NCCR national each month.

Alaska

Alaska Dads and Moms
5974 North Street
Juneau, Alaska 99801
(907) 780-4684
Sandra Armstrong,
NCCR state coordinator

Steve Strube, president
Alaska Family Support Group

P.O. Box 52115
Big Lake, AK 99652
(907) 892-7760

Tracy Driskill,
Second Wives and Children
P.O. Box 875731
Wasilla, AK 99687
(907) 376-1445

Connecticut

Connecticut NCCR chapter.
44 Franklin Street
Trumbull, CT 06611
(203) 452-9624
Max Gregorich, coordinator

Florida

Florida NCCR chapter
113 W. Tara Lakes Drive
Boynton Beach, Florida 33436
(407) 369-3467
Piotr Blass, coordinator

Mid-Florida chapter
Barbara Walker-Seaman
353 N. Central Avenue
Oviedo, Florida 32763
(407) 365-7812

New Jersey

New Jersey Council
for Children's Rights (NJCCR)
P.O. Box 615
Wayne, NJ 07474
(201) 694-9323
Bruce Gillman, president

Ohio

Coalition of Parental Rights Associations
(CAPRA)
227 S. Roanoke Avenue
Youngstown, OH 44515
(216) 799-9787
Andy Cvercko, president

Texas

Texas Children's Rights Coalition (TCRC)
12103 Scribe Drive
Austin, Texas 78759
(512) 836-6621

Vermont

Vermonters for Strong Families
Box 312
Waterbury, VT 05676
(802) 223-0873
Fred Tubbs, president

Virginia

Fathers United for Equal Right's and
Women's
Coalition
P.O. Box 1323
Arlington, VA 22210
(703) 451-8580
Paul Robinson, president

Family Mediation of Greater Washington
(located in Virginia), headed by Larry
Gaughan, attorney and mediator,
(703) 522-7628.

Please Reprint This in Your Newsletter or Journal



We are proud of your achievements, NCCR! Sign me up with my tax deductible contribution as a:

- ☐ member, \$25 ☐ sustaining member, \$50 ☐ sponsor, \$100
☐ life member, \$500 ☐ other \$ _____
☐ I can't join now, but here is my tax-deductible contribution of \$ _____
☐ MC ☐ VISA CC# _____ Exp. date _____

As a member, please send me *Speak Out for Children* (NCCR's Quarterly Newsletter) and the following at NO ADDITIONAL COST:

- "A Child's Right - 2 Parents," Bumper Sticker.
- FREE! A \$10 VALUE — A 32-page report, Written Preliminary Proceedings from NCCR's 1990 Fifth Annual Conference (submitted prior to conference). Includes 18 different reports including Child Sexual Abuse, New Access (Visitation) Research, What is Happening in the Black Family, How to Avoid a Parentectomy, and Activities of the ABA's Center on Children and the Law.

I understand that a contribution of \$50 or more entitles me to a free voice cassette — Part 1 of "The Needs of Children of Divorce."

Name _____

Address _____

City/State/Zip _____

Phone (_____) _____

- ☐ Please do not give my name and address to other organizations.

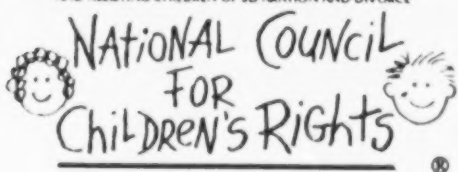
Call (202) 547-NCCR (6227) to charge, or send completed form to NCCR,
721 2nd Street N.E., Washington, D.C. 20002

Distributed by:

If you are a resident of AK, CT, OH, FL, NJ, VA, TX, VT, we ask that you join the NCCR chapter in that state (which includes membership in NCCR National). For address of chapter in those states, see elsewhere in this newsletter, or write to NCCR for information.

Bulk copies of this newsletter are available for 20 for \$10, 50 for \$20, and 100 for \$37 for distribution to policy-makers, judges, and interested persons in your state. Send order to NCCR.

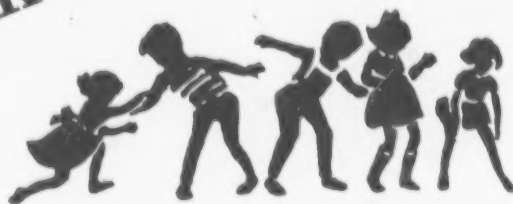
A NON-PROFIT, TAX EXEMPT ORGANIZATION STRENGTHENING FAMILIES
AND ASSISTING CHILDREN OF SEPARATION AND DIVORCE



Non Profit Organization
U.S. Postage
PAID
Washington, D.C.
Permit # 881

Address Correction Requested

SPEAK OUT FOR CHILDREN



U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION
CENTER (ERIC)

* This document has been reproduced as
received from the person or organization
originating it.

The Quarterly Newsletter of The National Council for Children's Rights, Inc.
721 2nd Street N.E., Washington, DC 20002-4307 (202) 547-NCCR

Minor changes have been made to improve
reproduction quality.

Points of view or opinions stated in this docu-
ment do not necessarily represent official
OERI position or policy.

IN THIS ISSUE:

Legal Help	3
NCCR Conference Update	4
Parental Kidnap Bill	8
In the Courts	10
ALEC Recommends Two Bills	11
Support Commission Takes Leap Back ...	12
erman Cousins Dies	13
ound the Country	14
NCCR in the Media	15
Visitation Denial ...	16
Conservatives/Liberals Back 2 Parents ..	18

Time to Apply

\$2 Million More in Federal Access Funds Available

Two million dollars in access (visitation) grants for 1991 will be announced in early April by the U.S. Department of Health and Human Services (HHS).

Once the announcements are made, applicants are expected to have 60 days to apply. This means the deadline for applying would be in early June.

This is good news for organizations that need more time to develop contacts with county or state organization under whom they might be a subgrantee for a grant application.

The U.S. Department of Health and Human Services (HHS) had originally hoped to begin accepting grant applications in early January, but said more time was necessary.

Last year, when \$1.4 million was available, HHS awarded three grants, one each to jurisdictions in Idaho, Florida and Indiana, all for mediation, amounting to almost \$900,000. The remaining \$500,000 was for an evaluation of the grants required by Congress.

The \$2 million is in addition to the \$1.4 million awarded last year. The grants are expected to go beyond providing mediation services, and to include subgrantees, because of the Senate Report accompanying the bill.

The Senate Report accompanying the \$2 million funding (Report 101-516, at page 200), issued in October, 1990, says that HHS should "include a variety of agencies and organizations with a demonstrated history of expertise and performance in access enforcement..."

Contact Agencies

If your organization has such experience, you should urge a county or state agency to include your organization as a subgrantee in their proposal, to enhance their prospects (if the Senate language is adhered to by HHS) of

See Access page 3

Safe Streets and Homes for Women Bill



Senator Biden

Sen. Biden (D-DE) has re-introduced his "Safe Streets and Homes for Women" Act in the 102nd Congress which began in January, 1991.

This bill, S. 15, is essentially the same as the bill Biden introduced last year, but which Congress did not act on prior to adjournment of the 101st Congress. The bill is expected to cost about \$600 million.

The main features of the bill are:

Title I: Safe Streets for Women

- doubles the penalties for rape and aggravated rape, and increases restitution for the victims of sex crimes.
- provides funds for more lights in parks and subway stations, authorizes new services for rape victims, and would bar

See Safe Streets page 6

PERMISSION TO REPRODUCE THIS
MATERIAL HAS BEEN GRANTED BY

David L. Levy

TO THE EDUCATIONAL RESOURCES
INFORMATION CENTER (ERIC)

SPEAK OUT FOR CHILDREN is published by the National Council for Children's Rights, Inc.

Editors: David L. Levy, Elliott H. Diamond.

Contributors to this issue: John

About NCCR

The National Council for Children's Rights (NCCR) is a non-profit [IRS 501(c)3] organization, based in Washington, D.C. We are concerned with the healthy development of children of divorced and separated parents. For the child's benefit, we seek means of reducing divorce by strengthening families through divorce and custody reform, minimizing hostilities between parents who are involved in marital disputes,

OFFICERS:

David L. Levy, Esq. President
Anna Keller, Vice President
John L. Bauserman, VP/Treasurer
Ellen Dublin Levy, Secretary

CHAIRMAN:

Stuart W. Cochran II
founder, America's Children Tomorrow (ACT)

GENERAL COUNSEL:

Michael L. Oddenino

DIR. OF INFORMATION SERVICES:

John F. Prior

ADVISORY PANEL:

Rabbi Mendel Abrams, D. Min.
Former President, Board of Rabbis of Greater Washington, D.C.

Sheila Brayman, Former President
Mothers Without Custody

Sam Brunelli, Executive Director
American Legislative Exchange Council

Jim Cook, President
The Joint Custody Association

"Dear Abby"
(Abigail Van Buren)

Honorable Dennis DeConcini
U.S. Senator, Arizona

Karen DeCrow
Former President of N.O.W.

Elliott H. Diamond,
Co-Founder, N.C.C.R.

Bauserman, Kenneth Skilling, John Siegmund.

Nancy Grothouse (Butler University),
American University Semester-in-Washington college student intern.

Staff: John Prior, Ed Mudrak, Deanne Mechling, Arabel Elliott.

substituting conciliation and mediation for the adversarial approach, assuring a child's access to both parents, and providing equitable child support.

NCCR was founded in 1985 by concerned parents who have more than 40 years collective experience in divorce reform and early childhood education.

Prominent professionals in the fields of religion, law, social work, psychology, child care, education,

Honorable David Durenberger
U.S. Senate, Minnesota

Meyer Elkin, Co-Founder
Association of Family & Conciliation Courts

Warren Farrell, Ph.D., Author,
Former Member of the Board of Directors New York City N.O.W.

Doris Jones Freed, Esq., Co-Chair
New York State Bar Association Family Law Section's Custody Committee

Larry Gaughan, Law Professor,
Professional Director, Family Mediation of Greater Washington, D.C.

Herb Goldberg, Ph.D., Author, Professor
of Psychology, California State University

Ronald T. Haskins, Ph.D., Associate
Director, Bush Institute for Child and Family Policy, U of NC

Joan Berlin Kelly, Ph.D.,
Executive Director
Northern California Mediation Center

Vicki Lansky, author/columnist
Deephaven, Minnesota

James Levine, The Fatherhood Project,
The Bank Street College of Education

Dr. Carl H. Mau, Jr.,
General Secretary
Lutheran World Federation
(1974-85)

John Money, Ph.D., Professor of Medical Psychology and
Pediatrics
Johns Hopkins University and Hospital

Sue Klavans Simring
Co-Director Family Solutions
The Center of Divorce and Custody Consultation

The material in this issue is copyrighted by NCCR 1991. However, all material may be reproduced, if attribution is given as follows: "From 'SPEAK OUT FOR CHILDREN,' published by The National Council for Children's Rights."

business and government comprise our Advisory Panel.

For further information about membership, publications, cassettes, catalog, and services, write: NCCR, 721 2nd St. N.E., Washington, D.C. 20002, or call (202) 547-NCCR (6227).

SPEAK OUT FOR CHILDREN is published at least four times a year and is sent free to members. Send letters, comments, and articles for publication to Editor, NCCR.

Honorable Debbie Stabenow, Chair
Mental Health Committee
House of Representatives, Michigan

Carol Stack, Ph.D., Director, Center for the Study of the
Family and the State
Duke University



Vicki Lansky

Changes in NCCR Advisory Panel

NCCR is restructuring its Advisory Panel. Advisors who are state legislators or who are well known in their states are being asked to be advisors to state chapters in formation, rather than advisors to NCCR National. This will help with the important job of building up state chapters across the country.

As to NCCR National, NCCR welcomes Vicki Lansky, an author of 18 books on parenting, and columnist for *Family Circle Magazine*, as our newest advisor. Vicki Lansky, who has spoken at two NCCR conferences, lives and works in Deephaven, Minnesota.

**Nadine Lavender-Petersen,
MSW., LCSW
Clinical Social Worker
4400 East-West Highway, Suite 401
Bethesda, MD 20814
(301) 439-3334**

**COMPUTER, DATA BASE, AND
MANAGEMENT INFORMATION
SERVICES ARE PROVIDED BY:**

Prior Computer Service Inc.
P.O. Box 56589
Harwood Heights, IL 60656-0589
Home office: (312) 589-0507
SQLBBS (312) 589-0508



Access

Continued from page 1.

obtaining a grant.

Although the funds must, according to Congress, go to the states, a county agency, state-funded university, or judicial circuit operating within a state is part of a state, and could qualify for a portion of the funds. A three-county program might have more chance of getting funded than a program limited to a single county.

Your organization could offer to prepare a pamphlet informing parents of their rights, hiring an ombudsman, operating an 800 number, or by being a consultant in the development and implementation of any local program.

Even if your organization does not receive any funds by being a consultant, you can be helpful by participating in the process.

Networking can be invaluable to your organization, especially if representatives of your group are good at working within the system.

The announcement of the grants will be made in the Federal Register.

NCCR Given Credit

Sam Brunelli, director of the American Legislative Exchange Council (ALEC), recently praised NCCR as the "moving force" behind Congress's decision to provide access/visitation grants for the states.

In a meeting with NCCR, Brunelli said that the educational materials NCCR provided to key Congressional staff over a several year period was instrumental in convincing Congress to provide access funds for the first time ever.

In thanking Brunelli for his praise, NCCR President David L. Levy

said many other people also deserve credit, including NCMC President Dick Woods, and the many NCCR college student interns who helped to educate Congress about the needs of children of separation and divorce.

NCCR has been fortunate to have been part of the American University semester/summer in Washington program, said Levy. Under this program, students who come to Washington from colleges around the country, combine classwork with working for a Congressman or a public interest group such as NCCR.

"The interns come to Washington, very idealistic. We show them how to work in a practical way within a system that can be very harsh, yet one we hope will still enable them to retain some of their idealism," said Levy.

NCCR urges groups, especially if they have non-profit status, to seek volunteers from voluntary action centers and college programs in their geographic area.

Christmas Gifts for Kids

For the second year in a row, NCCR delivered Christmas presents to needy children. In 1989, NCCR delivered presents to children at Washington, D.C. General Hospital. In 1990, NCCR delivered presents to the Hospital for Sick Children, a small 80-bed hospital in the northeast section of Washington that provides a home for severely handicapped children who need a transition from a regular hospital before returning to their families. The one-story facility creates a home-like environment, while providing for medical needs of the children. Betty Gittelman, an NCCR volunteer, handled the gift-giving on behalf of NCCR in both 1989 and 1990.

Legal Help

NCCR has filed amicus curiae (Friend of the Court) briefs in several state appeal court cases, and we seek to enter other cases on appeal. We have been asked on a number of occasions to enter cases at the trial level (which are not yet on appeal), but we regret we do not yet have the resources to do this.

We have won cases in New Jersey, where a law was upheld permitting a judge to reverse custody in a case where a parent planned to take the child permanently from the state, in Wisconsin, in upholding a child's right regarding paternity, and in Ohio upholding a joint custody agreement previously reached in another state. We also won a case in the Washington, D.C. Court of Appeals.

Do you need legal help in a case? Is the case (or will it be) on appeal? Does the case have broad applicability? If the answer to these questions is yes, contact NCCR.

To increase your chances of winning on appeal, make certain that all constitutional arguments are raised in the lower court.

Legal arguments appear in NCCR Report No. L102A ("Joint Custody as a Child's Constitutional Right").

If a mental health professional or other expert has made a finding or statement that is helpful, let us know.

An amicus curiae brief is not the main brief in the case filed by you or your attorney; it is an extra brief filed by NCCR to draw the court's attention to the importance of this case, and its effect on children's rights.

Attorneys for NCCR are interested in handling these cases on a reasonable fee basis. As mentioned above, we can only consider cases which are on appeal.

**Please support our
advertisers. Thank you.**

for kids caught in
Drugs and Crime.

The long-range answer,
say criminologists, is improved
parenting. Make a tax-deductible con-
tribution to a major national advocacy group
working for a child's right to two parents (a father
and a mother), regardless of the parents' marital situation.

The all-volunteer National Council for Children's Rights (NCCR),
Dept. NS, 721 Second Street N.E., Washington, DC 20002 (202-547-
6227) or join NCCR for \$25.00. Write or call for further information. Advisors
include "Dear Abby," Sens. David Durenberger (R-MN) and Dennis DeConcini (D-AZ).
"Outstanding Group!" — Vicki Lansky (Family Circle Columnist).

**JAIL IS NOT THE
ANSWER**

More News from NCCR's 5th Annual Conference

Information on various presentations made at NCCR's Fifth Annual Conference Oct. 18-21, 1990 appeared in the Fall, 1990 newsletter. We here present additional conference news.

At the conference, NCCR presented our annual Chief Justice Warren E. Burger "Healer" awards and "Best in Media" awards.

Healer Awards

The healer awards are named for Burger, because when he was chief justice of the United States, he urged lawyers to be healers, not just litigators.

The NCCR healer awards are presented to lawyers, judges and others who promote healing in the domestic relations area. The NCCR 1990 healer awards were presented to four persons.

They are:

1. Ms. Prudence Bowman Kestner, of Washington, D.C. Ms. Kestner is the assistant staff director of the Dispute Resolution



Prudence Kestner

Section of the American Bar Association. She received the award for her efforts to educate children that mediation is a positive way to solve human conflict.

Ms. Kestner, who attended the conference with several members of her family and colleagues from the Dispute Resolution Center, was presented the award on behalf of NCCR by

Carla Goodwin of Massachusetts, coordinator of the "Healer" awards.

2. The Honorable Richard J. Jamborsky, chief of the Circuit Court, Fairfax County, Virginia. Judge Jamborsky received his award for his work to encourage mediation, and to discourage domestic relations confrontations.



Judge Richard Jamborsky

Judge Jamborsky's son Dan accepted the award on behalf of his father; the presentation was made on behalf of NCCR by Ron Henry, Esquire, who nominated Jamborsky.

3. The Honorable Richard Schafrath, state senator of Ohio, for his dili-



Sen. Richard Schafrath (left) and Andy Cvercko

gence and singlehanded efforts to affect major legislative changes towards shared parenting for the benefit of children of divorce.

Schafrath, who drove from Ohio to attend the conference, received his award from Andy Cvercko, president of the Children and Parents Rights Association (CAPRA) of Ohio,

which had nominated him.

4. The Honorable J. E. "Buster" Brown, state senator from Texas, for authorship of the access (visitation) bill in the Texas State Legislature in 1989 that sets minimum access awards that judges must give. Judges may give more than the law requires, but not less, absent a compelling reason to the contrary.

Eric Anderson of the Texas Children's Right Coalition, which nominated Brown, accepted the award on behalf of Brown.

Four Best in Media awards were presented in 1990. The recipients are:

1. Wonderworks of Pittsburgh, PA, for "Two Daddies," an animated TV program that encourages positive parenting. This animated feature, shown on PBS, features Carrie Fisher and Henry Winkler as voices of the parents of a child who works out a positive relationship with her father and stepfather. Sandra Armstrong of Alaska presented the award to David Thompson, of WETA, who accepted on behalf of Wonderworks, WQED-TV, Pittsburgh, PA.

2. Arnold Shapiro Productions, California for "New and Improved Kids," a TV program that encourages quality parenting. This network TV show, featuring Loni Anderson, gives real examples of ways to help children postdivorce. Pyramid Film & Video of Los Angeles, California distributed this video. George Dop-

pler of Pennsylvania presented this award on behalf of NCCR.

3. Lifetime Television of New York City, New York, for "Don't Divorce the Chil-



Karen Katz and George Kelly

dren," a TV program that encourages healthy attitudes for children of divorce. This cable TV show, featuring Timothy Busfield, offers tips for parents going through the divorce process. George Kelly of Massachusetts presented this award to Karen Katz of Lifetime TV.

4. Karl Zinsmeister, author of the article entitled "Growing Up Scared," the cover story of *The Atlantic Monthly* magazine, June, 1990. The article said that family dysfunction was the major cause of drug and crime problems for youth, and urged policy-makers to pay more attention to prevention and treatment of family breakdown. Kathy Price, the author's sister, who attended the conference, accepted the award on behalf of Karl Zinsmeister.



Kathy Price

Continued on next page



Mary Burr and Allen Glennon

Special Awards were presented to:

1. *Single Parents Magazine* of Parents Without Partners, for Excellence in Magazine Writing on Children of Divorce. NCCR officers reviewed all the issues of *Single Parent Magazine* for the previous year and a half, and found that the excellent, sensitively written articles educated and encouraged a child's bonding with both a mother and a father. Mary Burr, coordinator of the awards, made the presentation on behalf of NCCR to Allen Glennon, editor of *Single Parent Magazine*.

2. William A. Toto, of Ohio, in appreciation of his strong support for the National Council for Children's Rights and the right of a child to two parents, regardless of the parents' marital situation.

Anniversary Thanks

We thank Sens. Dennis Deconcini (D-AZ), Charles Grassley (R-IA) and David Durenberger (R-IA), and Representative Thomas Downey (D-NY) for being honorary co-chairs of NCCR's Fifth Anniversary Celebration at our conference. We also thank Giant Foods, People's Drug Stores, and Brenner's Bakery for co-sponsoring the celebration, and Elina Hum of NCCR for

helping to arrange for donor contributions. More than 100 attendees at the celebration helped to "blow out the candles" on cakes, danced to the music of a dance band, and drank champagne for NCCR's Fifth Anniversary.

NCCR thanks the Arlington County, Virginia County Board for declaring the week of October 15, 1990 as "National Council for Children's Rights Week" in Arlington County, where the conference was held.

Awards Time Again

At NCCR's March, 1992 conference, NCCR will present the annual Chief Justice Warren E. Burger awards for "healers" among lawyers, judges and others, and its annual Media Awards for the best and worst treatment of children of separation and divorce in the media or advertising.

A "healer" might be:

- a judge who takes the lead in promoting joint custody (shared parenting);
- a pre-court trial service which fosters mediation;
- an attorney with a professional track record of promoting a child's access to two parents and others who have bonded with the child.

For media awards, possible contenders are:

- best and worst treatment of children and parents of divorce in the news media (including newspapers, magazines, TV, and radio coverage);
- best and worst media coverage of a county agency helping chil-

dren of divorce with programs for teenage parents;

- best and worst TV series on abuse and false abuse charges.

Please send the following regarding your nominations:

1. The name, address and phone number of your nominee.

2. A brief, written explanation (100 words or less) of why the nominee should be cited. Give us the facts.

3. Enclose any documentation (newspaper article, date, place and name of TV station, corroboration from other affected persons) which is available.

Send "healer" awards nominations to:

Carla A. Goodwin, M.Ed
Certified Ed. Psychologist
920 Washington Street
South Easton, MA 02375

Send media award nominations to:

Mary Burr
8050 Felicity Court
Springfield, Virginia 22153

The deadline for nominations is December 1, 1991.

The 1992 winners will be named at our sixth conference in March, 1992. Winners will be invited to receive their awards in person. The persons who nominate the winners will be asked to make the presentations at the conference to the winners on behalf of NCCR.

1992 Conference

NCCR will hold its sixth conference in March, 1992 at a hotel in the Washington, D.C. area.

This is a change from the usual conference date in October.

More details will be provided later.

Announcements

Mothers Without Custody (MW/OC) will hold its annual conference October 11-13, 1991 in Chicago. Doreen Virtue, author of *My Kids Don't Live with Me Anymore*, will speak, and a representative of Rainbows for All Gods' Children will be present. For information, contact Jennifer Isham, 609 North Avenue, Crystal Lake, IL 60014, (815) 455-2955. Cost is \$85. (Barbara Walker-Seaman, who heads an NCCR chapter in the Orlando, Florida area, was a speaker at the 1990 MW/OC conference in Florida).

Parents Without Partners International (PWP) will hold its 32nd annual convention in Kansas City on July 2-7, 1991. For information, contact PWP, at 8807 Colesville Road, Silver Spring, MD 20910, phone (301) 588-9354.

Melinda Blau would like names of parents who are cooperative with each other in a joint custody situation (though not necessarily best friends) and who would be willing to answer a questionnaire and possibly take part in interviews for a book she is authoring. Write or call Melinda Blau, 31 Langworthy Road, Northampton, MA 01060, (413) 586-9090.

Safe Streets

Continued from page 1.

inquiries about a woman's past sexual history or how a woman's clothing may have invited an attack.

Title II: Safe Homes for Women

- creates the first federal laws barring spouse abuse, e.g. declares it is a federal crime if an abuser follows his spouse across state lines and continues abuse or violates a stay-away order; makes protective court orders issued by one state valid in the 49 others, so that women won't lose protection if they happen to cross a state lines.
- triples funding to shelter the abused, encourages states to increase arrest and prosecution rates, and incorporates provisions drafted by Sen. Coats (R-IN) for a national media campaign against spouse abuse.

Title III: Civil Rights for Women

- defines gender-motivated crimes as bias or hate crimes, such as acts against a person because of race, religion or color of his skin; allows victims of all felonies "motivated by gender" to bring federal civil rights suits against their assailant.

Title IV: Safe Campuses for Women

- requires colleges and universities to provide rape education and prevention programs.

A fifth title, authored by Senator

Simon (D-IL), creates a new program for educating judges about domestic violence and sexual assault.

In remarks that appear in the Congressional Record on January 14, 1991, when Biden introduced the bill, he said three new provisions have been added since last year:

- a new program calling for the education of young persons about domestic violence;
- new protections for victims fleeing from abuse that ensure the confidentiality of their whereabouts; and
- an expanded campus rape program that requires colleges to prohibit and report all forms of sexual assault on-campus.

Concerns of Religious Leaders

NCCR has become aware of a coalition of religious and civil rights organizations that favor the bill but who have problems with certain parts of it. The coalition, the Civil Rights and Religious Liberty Task Force of the Washington, D.C. Interreligious Staff Council, comprising most main-line religious organizations, including Methodist, Episcopal, United Methodist, and Presbyterian U.S.A., has problems with the increase of penalties and lack of treatment of sex offenders.

The research they have seen indicates that sentencing guidelines on a federal level for major violent crimes such as aggravated (violent) rape are already equal to or greater than other violent crimes such as aggravated assault.

A spokesman for the Task Force, Hilary O. Shelton, associate director, General Board of Church and Society of the United Methodist Church, said the task force is also concerned about the lack of treatment for sexual offenders. Treatment should be required during the incarceration of convicted offenders, says Shelton, because of their high rate of recidivism. There is no required treatment now for sex offenders, he notes.

Shelton said members of the Task Force also seek a commission to look at violence in general in our society, in-

cluding violence not covered by this bill.

Shelton says the Religious Task Force has met with Congressional staff on this bill, and has also participated in another task force of groups favoring the bill, chaired by the National Organization of Women Legal Defense Fund. The NOW Task Force is headed by Sally Goldfarb.

NCCR's Concerns

NCCR is concerned because:

- the bill, ostensibly aimed at gender based crimes, is itself gender biased. It would lead boy children to think they will grow up to be abusers, and girl children to think they will grow up to be victims.
- there are no provisions for shelters or treatment for either men victims or men offenders and their children. Although Sen. Biden says states would not have to use all the shelter money for women, the thrust of the bill would not appear to encourage use of funds for families in general.
- there are no penalties in the bill for false accusations of abuse. A person could cross states lines with their children, make false accusations, keep the whereabouts of the child secret from the other parent, and suffer no penalty.
- the research of Straus and Gelles, the most respected domestic violence researchers in the U.S., is being ignored. That research shows that domestic violence is committed more by women than by men. It is not usually believed by people who have not read the research, partly because men under-report, but research by Straus and Gelles shows that women have slightly higher involvement in serious domestic violence than men, although men do more damage when they commit violence (See *Journal of Marriage and the Family*, Vol. 48, 1986).

Straus and Gelles argue that their findings should not be used to reduce any funding for women's



Bowen Travel
handles air
accommodations
for NCCR
conferences. We
can also handle your
everyday air travel
needs. Bowen Travel
offers the lowest possible
plane fares available. Call
them at 1-800-330-2169.

programs, but that domestic violence should be understood as a family matter, not one that merely affects women.

How Best to Help Women

In a follow-up paper presented at the 1989 meeting of the American Society of Criminology, Straus offered the following policy implications of the research:

"Domestic assaults by women need to be added to efforts to prevent assaults on women for a number of reasons. Perhaps the most fundamental reason is the intrinsic moral wrong of assaults on a spouse, as expressed in the fact that such assaults are criminal acts, even when no injury occurs.

"A second reason is the modeling of assaultive behavior for the next generation. Assaults by mothers are as strongly related to violence by children as are assaults by fathers (Straus, Gelles and Steinmetz, 1980; Straus, 1983).

"A third and most immediately important reason for actions to reduce domestic assaults by women is the danger to women. Feld and Straus (1989) found that if the female partner also engaged in an assault, it increased the probability that assaults will persist or escalate in severity over the one year period of their study; whereas if only one partner engaged in physical attacks, the probability of desistance increased.

"Further research is needed on gender differences in the objectives, meaning and consequences of domestic assaults. This research could make an important theoretical contribution and could provide the information base for programs of primary prevention of intra-family assault.

"Especially important are studies which trace out the natural history of assaults on a spouse, starting with the circumstances and meanings attached to the first incident and subsequent incidents.

"Such studies could test the hypothesis that assaults by women provide moral justification for assaults by men. If the research confirms such

hypothesis, it would indicate the need to add reduction of assaults by women to efforts to protect women from assault by their male partners."

The Senate Judiciary Committee, of which Biden is chairman, has held three hearings, consisting largely of anecdotal evidence. It has not heard from the researchers, indeed, it has not invited them to testify. When asked why not, one Senate Judiciary Committee staffer told NCCR it is because "the women who are testifying really hate Straus and Gelles."

Hate them, some people may, because Straus and Gelles present a balanced, truthful picture. But when formulating public policy, as Congress is doing, it ought to do so on the basis of solid research, not on anecdotal evidence. Especially if, as Straus suggests, women are going to be hurt by the legislation that is designed to help them.

A copy of Straus' 25-page paper presented to the American Society of Criminology is available from NCCR for \$10.00 for non-NCCR members, and \$5.00 for NCCR members, prepaid.

As to street violence, U.S. Justice Department findings are that men far outnumber women as both perpetrators and victims of street crimes, with black men as victims in particular.

Congresswoman Barbara Boxer (D-CA) is expected to introduce a House version of the Biden bill.

Senator Minority Leader Robert Dole (R-KS) has also introduced a bill dealing with violence against women. The Dole bill does not have any of the provisions for prevention or treatment that the Biden bill offers. The Biden bill has a much better chance of passing, because Biden is a committee chairman, and his bill has more than 25 co-sponsors.

If you have concerns, the address for all Senators is Senator —, Washington, D.C. 20510, and the address for all House members is Representative —, Washington, D.C. 20515.

We pray for the children of Iraq, Saudia Arabia, Israel and Kuwait who are undergoing the horrors of war — NCCR

Directory of Organizations

NCCR will publish its "Parenting International Directory," the third edition of its directory, in May, 1991. Letters have been mailed to about 1,200 organizations, asking them to verify data we have of them, so that the Directory can be accurate. John Prior, NCCR's director of information services, and Ed Mudrak, associate director of information service, are editing the directory, which can be a valuable resource in making referrals around the country to your organization. Reserve your copy of the third edition now for \$10.00 for NCCR-members, and \$12.00 for non-members. Copies of the second edition are still available, for only \$6.00 for NCCR members, and \$7.00 for non-members.

Volunteers Needed

Heather Campbell of Washington, D.C. has volunteered to coordinate NCCR's 1991 conference. For conference information, write to Ms. Campbell at the NCCR office. We still need volunteers with skills in public relations, media, fundraising from corporations or foundations, and membership development. Volunteers can help part-time from anywhere in the country. We also need help in these other areas:

- in Washington,
 - responding to inquiries in our Capitol Hill Office,
 - helping with advocacy on Capitol Hill.
- from anywhere in the country,
 - helping with mail-outs and phone calls to NCCR supporters,
 - helping to form a Political Action Committee,
 - holding a fund-raiser for NCCR and your local group (bake sale, dinner honoring a children's rights advocate, used book sale, etc.).

Part III of our series of articles on Joint Custody Research, together with a further article on noncustodial parents access to school records will appear in our next (Spring, 1991) issue. We regret the delay.

Parental Kidnapping Bill Pending

A bill to make international abduction of a child by a parent a felony under federal law will be introduced in Congress soon by Congressman George Gekas (R-PA) and Sen. Alan Dixon (D-IL).

Both Gekas and Dixon introduced parental child abduction laws in the last Congress, which were focused entirely on prosecution of the kidnapper.

Thanks to concerns raised by NCCR and the National Center for Missing and Exploited Children, Congressional staff indicate that the bill to be introduced in this Congressional session will also contain provisions to try to prevent kidnappings from occurring.

Exactly what form those provisions will take is unclear at this time.

Justice Department Survey

NCCR is talking about prevention to Congressional staff because of statistics in "The Survey of Missing, Abducted, Runaway, and Thrownaway Children in America," issued by the U.S. Department of Justice, in May 1990. That report shows a high rate of parental abductions.

The report's 1988 estimates are:

Family Abductions: 163,200
Non-Family Abductions: 200-300
Runaways: 133,500
Thrownaways: 59,200
Lost, Injured or otherwise missing: 139,100

These are what the researchers call serious incidents, rather than all reported cases.

The low rate of non-family (stranger) abductions would indicate that the wide publicity given to this area has been disproportionate to other problems affecting children.

The far more serious problem — statistically — is family abduction.

The report stated:

"The period immediately after a divorce was not when most Family Abductions occurred. Instead 41 percent occurred before the relationship ended. Another 41 percent did not occur until two or more years after a divorce or separation. This was probably because it took time for parents to



Rep. George Gekas

Continued next page

Custody Battle Temporarily Over Between Foretich and Morgan

On November 21, 1990, a family court in New Zealand apparently ended at least temporarily the custody battle between Eric Foretich and Elizabeth Morgan over their 8-year-old daughter Hilary.

The New Zealand court ruled that Hilary could remain with her mother in New Zealand.

Hilary had been the object of a two-year search since she disappeared from the Washington area two years ago, following an order by a Washington, D.C. court that Foretich have access (visitation) with Hilary.

Elizabeth Morgan hid Hilary with the girl's maternal grandparents rather than follow the court ordered visitation. As a result, Morgan was jailed for contempt, but she was freed after Congress passed and President Bush signed a special bill limiting civil contempt in the District of Columbia to one year.

In another development, a

judge in Arlington, Virginia has suspended Foretich's right to visit a daughter by an earlier marriage. The judge heard reports by a psychologist that supervised visits by Foretich with the daughter, aged 10, were not working.

Although the matter came to court after the older child's mother alleged that the daughter was sexually abused by Foretich, Judge F. Bruce Bach of Fairfax County Circuit Court had ruled that abuse was not proved. Alleged abuse was not an issue at the hearing suspending visitation, according to the Washington Post, December 8, 1990.

In both the New Zealand and Virginia cases, the judges indicated that the custodial mothers were coaching the children.

In the New Zealand opinion, the judge implied that Elizabeth Morgan's antagonism toward Hilary's father was a factor in the case; the judge said he hoped that the antagonism of the mother against the father would diminish over time.

In the Virginia case, Judge Bach

said there is "a lot of evidence that the older child's mother had 'coached the child.'"

(NCCR realizes that in reacting to antagonism by one parent against the other as a reason for limiting visitation to the attacked parent, judges may be trying to reduce the tensions for the child. But creating a "parentectomy" — the removal of a parent from the life of the child — is not likely to reduce the antagonism of the attacking parent. Indeed, reducing access by the attacked parent provides a "pay-off" to the attacking parent by showing that the attacks work. This sends a powerful message to the attacking parent and to parents everywhere.

NCCR is not commenting on whether sexual abuse occurred in either of these cases; we are only responding to the judges' decisions to limit visitation.



Hilary Foretich

develop new stable households, move to other communities, develop new relationships and become disenchanted with the legal system — all factors that could precipitate abductions."

The researchers also said that "There were interesting regional disparities in the occurrence of family abduction, with the South overrepresented and the Midwest underrepresented. It is possible that the more traditional legal system in the South makes noncustodial fathers pessimistic about getting a favorable outcome, so that they take matters into their own hands."

The Legal System

In talking about the "disenchantment with the legal system" and problems in the South, the report seems to be partially blaming the legal system for depriving parents of meaningful access to their children, thus provoking some parents to take desperate measures to regain their children.

Rather than only treating the symptom (violations of court orders), it would thus seem appropriate for laws to also treat the causes (unfair custody and visitation orders).

As the level of fairness in custody and visitation increases, the level of civil disobedience in this area might then decline.

Because the kidnapping of a child is tragic, focusing more attention on the prevention of kidnapping will reduce trauma to children, and save taxpayer money for the recovery of children and prosecution of kidnappers.

Thus, NCCR would like to see provisions in the bill that would encourage the states to develop greater fairness in custody decrees, e.g., more shared parenting, more liberal access, and more training for judges and policymakers about the causes of and prevention of parental child abduction.

NCCR also hopes any bill will contain provisions to treat kidnappings by custodial parents as strongly as kidnappings by non-custodial parents, because the Justice Department research and other findings indicate that both custodial and non-custodial parents kidnap their children, although perhaps for different reasons.

Both kidnap their children in violation of court orders-non-custodial parents in violation of custody decrees, and custodial parents in violation of access (visitation) decrees.

Such kidnappings also violate the right of a child to access to grandparents and other family members.

There is also the problem of concealment, taking, or hiding of children prior to court decrees being entered — the "no man's land" just prior to or during the separation between the parents. NCCR believes that neither parent should have the right to kidnap the child during that period.

If you have any concerns about this bill, or if your child was kidnapped, tell your story (briefly) to your Representative or Senator in Washington. The address for all senators is Senator _____, Washington, D.C. 20510, and for all Representatives, it is Representative _____, Washington, D.C. 20515.

NCCR Receives First Challenge Grant

NCCR has been offered its first challenge grant — \$1,000 from the Jarosh-Flynn Family Fund of California. NCCR and members of the Jarosh-Flynn family have agreed to raise the matching \$1,000. The matching amount must be raised by December 31, 1991, so that NCCR would then have a total of \$2,000.

The funds will be used to establish the Cici Simon Memorial Fund of NCCR. Cici Simon is a late relative of members of the Jarosh-Flynn family, for whom the fund will be a memorial.

NCCR was selected by the Fund to receive this challenge grant because of "NCCR's pioneering efforts in legislative and judicial advocacy of a child's right to two parents", said Marie McManmon, a representative of the Jarosh-Flynn Family Fund. The Fund may wish to continue raising money for NCCR after December 31, she said.

"This is NCCR's first challenge grant," said NCCR President David L. Levy. "We welcome it, and urge our members to support it. When you make a contribution to NCCR, please state on your check 'For the Cici Simon Memorial Challenge Grant.' All contributions to NCCR are tax-deductible."

Movie portrays biased view

Congressional staff and advocates (including NCCR) were invited to a special showing of the movie "Not Without My Child," at Union Station, in Washington, on January 9, 1991. A press conference and reception preceded the movie.

The MGM film, starring Sally Field, is based on a true story of Betty Mahmoody, whose Iranian-born husband brought her and their child, Mahtob, to Iran, ostensibly for a two week vacation.

Once there, the husband announced he was going to live permanently in Iran. He demanded that Betty, who was American-born, remain there with their child. Betty, afraid of Iranian society in the days of the Ayatolla Khomeini, when the incident took place, and unwilling to remain in Iran with her child, plotted to escape Iran with the child, and eventually did so.

The husband unquestionably tricked the wife by turning a supposed vacation into a permanent move; the child deserved to be returned to the U.S., its "country of habitual residence" (to use the wording of the Hague Convention on Child Abduction); but NCCR noted that at the end of the film there is a streamer indicating that many women and children are being held against their will in foreign countries.

This is true, especially as to Arab countries, but it ignores the many children who have been kidnapped by their mothers and are also being held from their fathers, in Europe, South America, and elsewhere. Tom Harries, an NCCR member from Arlington, Virginia, has not seen his kidnapped child Vanessa, 8, in four years, and there are many other examples. Again, NCCR seeks balance in this area.

Please support our advertisers. Thank you.

In the State Courts

No Tort Right in Access Denial

A father who had custody of his daughter cannot recover damages from his former wife and some of her relatives for the harm caused by their interference with his rights as a parent, the Minnesota Supreme Court has ruled. In the case before it, the wife fled with the daughter during one of the periods that the daughter was visiting her. For seven years, the father had no access to his daughter, who was finally found after an FBI search.

After the daughter was found, the father discovered that, despite their denials, some of the mother's relatives had had contact with her and the child during the period of disappearance. The father sued the relatives for \$50,000 to cover the costs of the search and the emotional distress he had suffered.

The Minnesota Supreme Court acknowledged that the trend has been toward recognizing the tort of "intentional interference with custodial rights." However, it said that the new tort "would create a new burden on children who are already dislocated by the dissolution of their parents' marriage...For the good of our children, the law should seek to promote such harmony as is possible in families fractured by the dissolution process."

Other laws in Minnesota already provide redress for the parent in this situation, the Supreme Court said. "Expanding the adversarial process to include this new tort is contrary to the best interests of children and will only intensify intrafamily conflict growing out of marriage dissolution without deterring parental abduction," the court said. However, three justices dissented from the majority decision.

Larson v. Dunn, Minn. SupCt, No. C-7-89-1139, 8/31/90

No Double Support Due

A non-custodial father who stopped paying child support when the children left their mother's home and moved in with him cannot be held

liable for arrearages that accrued while they lived with him, the Minnesota Court of Appeals has ruled. The court rejected the mother's suggestion that, by condoning father nonpayment for the period in question, the court was endorsing a retroactive modification of the support obligation in violation of state law. The father satisfied his child support obligation by caring for the children in his home, the court said.

Karypis v. Karypis, Minn CtApp, No. C-9-90-77, 7/10/90

Name Change Prohibited

The desire of the children involved to adopt their stepfathers surname did not warrant granting a name-change petition over the natural father's objections, the Kentucky high court ruled. The court pointed out that Kentucky case law has recognized a divorced father's right to have his children continue using his name unless his misconduct or other extraordinary circumstances have resulted in his forfeiting this right. "The best interest of the child as well as that of the father is involved in maintaining the relationship with the divorced father fostered by bearing his name."

Likins v. Logsdon, Ky SupCt, No. 89-SC-728-DG, 6/28/90

Allegations Insufficient

Petition by a child's mother and maternal grandmother of allegations of child abuse was an insufficient basis to curtail a father's visitation rights with his daughter, the Illinois Appellate Court, First District, held. The mother and the grandmother told the court that the daughter said abuse had taken place, and an expert hired by the mother supported the allegation. However, the child never testified in court, and the expert acknowledged that her own testimony was flawed in that she had not observed interaction between the father and the child. "Courts must be cognizant of the in-

centive to perjury in cases where adults, who have an interest in the outcome of visitation or custody disputes, recite the hearsay statements of children," the appellate court said. The appellate court sent the case back to the circuit court for another hearing.

In re L.R., Ill AppCt 1stDist. Nos. 1-87-3554, 1-88-3118, 7/27/90.

Move Allowed

A custodial mother may move with a child to another city, despite a provision in the divorce decree that she must not do so without the father's consent, the Mississippi Supreme Court said. The court said that the child's best interest may not be served by requiring it to remain in a particular location, and directed that chancery courts refuse to approve any child custody agreement that mandates, without exception, that children be raised in a given community.

Bell v. Bell, Miss SupCt, No. 89-CA-1108, 10/3/90

Smoking Ban

A California trial court in a custody dispute recently ordered a mother to refrain from smoking in the presence of her child. The issue arose in a decision on a claim for modification of the custody and visitation arrangements, and the court granted the father's request that the child be protected from the effects of the mother's smoking habit. (A New York trial court entered a similar order prohibiting a mother from smoking in close proximity to her children).

De Beni So a v. Kallweit, Calif SuperCt Sacramento Cty, No. 807516, 8/14/90.

(The above cases are summarized from recent issues of *Family Law Reporter*. They appear by permission of the publisher, The Bureau of National Affairs, Inc.)

ALEC Recommends Two NCCR Bills

The American Legislative Exchange Council (ALEC), an organization representing 2,400 conservative Republican and Democratic state legislature members and 700 corporate members around the country, has adopted two bills recommended by NCCR as "model legislation" for the states.

The adoption of the model legislation came after several meetings of ALEC's task force on the family, which included NCCR representatives.



Sam Brunelli

The bills, the "Child Relocation Notification Act" and the "Child Access/Visitation Dispute Mediation Act" are part of a package of model bills being sent this Spring by ALEC to all of its legislature members around the country. The members are asked to introduce the bills in their state legislatures.

The two bills adopted at NCCR's urging are reproduced below.

Before you ask legislators in your state to introduce these bills, please check with NCCR for names of ALEC state legislators and suggestions on how to proceed.

"This is not to tell you how to run your state organization," said NCCR co-founder Elliott H. Diamond, "but only to say how appreciative we all are for ALEC having recommended these as model bills to help families. We want to share our understanding of ALEC and maximize the chances of passage in as many states as possible by proceeding carefully and constructively."

NCCR thanks ALEC President Sam Brunelli, family task force advisor Mike Tanner, and the chairman and members of the task force, for their support. The two bills are:

Model Child Relocation Notification Act

In any custody or access (visitation) proceeding, the court shall include as a condition of any custody or access (visitation) order a requirement that advance written notice be made to either the court, the other party, or both by any party intending to relocate the permanent residence of a child. Such notice must be given at least 60 days prior to the intended relocation. The court may require that such notice be in such form and contain such information as the court may deem proper and necessary under the circumstances of the case.

Model Access (Visitation) Dispute Mediation Act

SECTION 1. The Legislature hereby finds and declares that the divorce rate in this state has reached alarming proportions and the number of children affected by divorce has grown accordingly. The Legislature also finds and declares that the denial and interference with access (visitation) rights of noncustodial parents is a serious problem for which there is currently no adequate remedy other than litigation between the parties involved, a process that is often lengthy, expensive, and harmful to the best interests of the child involved. Therefore, the Legislature declares that it is the public policy of the State of (insert state) to promote the use of mediation as an alternative to litigation to resolve access/visitation disputes.

SECTION 2. As used in this Act the following terms have the following meanings:

(A) "Office" means the Child Access/Visitation Office as established by this Act.

(B) "Local Department" means the local department of social services for a county.

SECTION 3. (A) in each local department of social services for a county there is established a Child Access/Visitation Office. The purpose of such Office shall be to develop and implement an access/visitation dispute mediation program to investigate the complaints arising out of access/visitation orders issued by a court of competent jurisdiction.

(b) the establishment and operation of such Office shall be directed by the (INSERT APPROPRIATE DEPARTMENT). The (INSERT APPROPRIATE DEPARTMENT) shall:

- (1) adopt rules, regulations, and guidelines for the program;
- (2) monitor and evaluate the effectiveness of the program; and
- (3) establish in each local Office an adequate staff to implement the program.

(C) The legislature appropriates the sum of (INSERT DOLLAR AMOUNT OF APPROPRIATION) for the establishment and operation of this program.

SECTION 4. The Office shall:

(A) investigate access/visitation complaints filed by any party to an access/visitation order issued by a court of competent jurisdiction. The Office may investigate complaints by persons other than parents who have access/visitation rights pursuant to an order issued by a court of competent jurisdiction.

(B) Attempt to mediate and informally resolve any dispute concerning access/visitation that may arise between the parties.

(C) Maintain such records as may be necessary, including:

- (1) the number of complaints;
- (2) the number of complaints investigated;
- (3) the amount of time spent on each complaint;
- (4) the result of the investigation and/or mediation of each complaint; and
- (5) the number of complaints resolved.

(D) Upon a request by a court of competent jurisdiction, the office shall make available to that court any records of any access/visitation complaints investigated by the Office, including the final report.

SECTION 5. The function of the Office shall be only to investigate and mediate access/visitation dispute. The Office shall not exercise any enforcement powers.

Education for Non-Custodial Parents

Job training and education for non-custodial parents unable to meet child support payments because they are unemployed is being offered by the federal government in at least five states.

The innovative program was announced in July, 1990, by Louis W. Sullivan, the Secretary of the Health and Human Services (HHS).

"Many fathers want to fulfill their financial role as parents but cannot because they have no job," said Sullivan in Atlanta. "When these parents learn marketable skills and can more fully provide for their children, they become the self-sufficient role models their sons and daughters need."

The demonstration program, called "The Parents' Fair Share Demonstration," is part of the Family Support Act of 1988. It will test job training, employment services, education, financial incentives and development of parenting skills for unemployed non-custodial parents of children who receive AFDC assistance.

The grants are being funded by HHS, the Pew Charitable Trusts, the Ford Foundation, and the U.S. Department of Labor.

It will be conducted during a six-year period in at least five states. States are being selected through a competitive process, according to HHS officials.

For further information contact Paul Bordes at HHS (202) 401-9220.

Interstate Child Support Commission Takes Leap Backwards

The Interstate Child Support Commission voted 14-1 at a meeting in December, 1990 not to consider access/visitation issues as part of its mandate.

The commission voted to define child support as restricted only to monetary concerns, contrary to the proposal by Commissioner Don Chavez of New Mexico that support should include emotional as well as financial needs.

Chavez was the only commissioner to vote in favor of defining support as both emotional and financial.

Chavez said he based his vote partly on a resolution passed by Congress in 1984 that says "...visitation rights and child custody are often intricately intertwined with the child support problem and have received inadequate consideration" (See Public Law 98-378, Sec. 23 [a]).

Chavez planned to write to Secretary of Health and Human Services Louis Sullivan, who had appointed him to the commission, asking for a clarification of Chavez's role. Chavez said this was necessary because the purpose for which he was appointed — to

represent the rights of children of non-custodial parents — is no longer a part of the commission's agenda.

"If children were property, chattels, or some tangible thing that could be owned, then it would make sense to limit a measure of a child's time in terms of dollars and cents," said Chavez. "However, children are little people — and their emotional needs are equal to if not more important than their financial needs."

The commission held a hearing in Los Angeles in late January, and scheduled another hearing in Chicago in March, at which testimony was permitted on access issues, even though the Commission has dropped the emotional support issue from its agenda.

Jim Cook, president of the Joint Custody Association, spoke at the Los Angeles hearing in support of Chavez's concerns.

NCCR staged a "non-custodial parents cattle call" at the December meeting of the Commission in Washington to object "to non-custodial parents being herded like cattle — instead of being treated like caring parents."

"More than six million children

have problems seeing their non-custodial parents," said NCCR. "That's a national disgrace we never hear anything about. Every parent has an emotional as well as financial obligation to their children — but the commission is ignoring this."

The Commission will sponsor a National Child Support Conference in Atlanta during the first week in April, 1991. The Commission is expected to issue its final report in 1992 to Congress, recommending ways to strengthen interstate child support collections.

NCCR sent an "Action Alert" to all NCCR supporters in January, 1991 urging them to write to Sen. Bill Bradley (D-NJ), asking that he not oppose the establishment of an interstate access visitation commission.

Bradley, who opposed the establishment of an access/visitation commission in 1988, must state he will not oppose establishment of an access commission now, before Sens. Grassley and Durenberger, who urged the adoption of such a commission in 1988, will renew their proposal to Congress.

NCCR's Action Alert urged people around the country to ask Bradley to assure his constituents — the New Jersey Council for Children's Rights (who are his constituents), that he would not oppose the establishment of an access commission.

The New Jersey Council staged a demonstration in the driveway of at Sen. Bradley's New Jersey home on Thanksgiving Day, 1990. Bradley drove away, but returned a short time later, and in a conversation with New Jersey Council members, did not say whether he would withdraw his opposition to a visitation commission. Thus, letters to Bradley are necessary.

The address for Bradley and all Senators is, Senator _____ Washington, D.C. 20510.

(The resolution referred to by Chavez is part of NCCR's "Access Visitation Report," R105A.



Don Chavez

Letters to the Editor

Even-Handed Approach Praised

Editor:

As a lawyer practicing primarily in the area of domestic relations, I receive many requests for information on organizations that offer to support parents with child custody problems. I routinely recommend NCCR as the most even-handed yet progressive one I've heard of.

As least one of my clients might be interested in the level of commitment that would be required to start a local chapter of NCCR. Could you please fill me in on that question? Thank you for your good work.

— Lisa A. Kircher
St. Louis, Missouri

Ed. Note: We have sent Ms. Kircher our 37-page information packet on how to start an NCCR chapter, inasmuch as one does not yet exist in Missouri.

Newsletter Praised

Editor:

I recently received your latest issue of **SPEAK OUT FOR CHILDREN**, and I must say I am very impressed with the quality of the production and of the material in the publication. NCCR has come a long way in the past few years and I am pleased to offer my continued support.

— David Rose,
Phoenix, Arizona

NCCR Advisor Norman Cousins Dies

Norman Cousins, a holistic health authority who wrote of the connection between family and health, and who was an advisor to NCCR, died of a heart attack on November 30, 1990 in Los Angeles. He was 75.

Never formally trained in medicine, Cousins wrote a landmark book in 1979, *Anatomy of an Illness as Perceived by the Patient*. The bestseller detailed his recovery from a life-threatening form of arthritis through a self-prescribed regimen of positive thinking and Vitamin C. He also spoke of close family ties and a very supportive doctor, as helpful to the recovery process.

Cousins wrote that when he received the fatal diagnosis, he decided not to stay at a hospital because a hospital was no place for a sick person. The lack of respect for basic sanitation, the lack of adequate nutrition, and the practice of waking sleeping patients to give them medicine, convinced him to check into a hotel, instead.

There, he rented Marx Brothers movies, drank lots of vitamin C, and slowly recovered his health.

"I think people have been miseducated about health," he said in 1989. "We've been educated to be timid and fearful. We don't understand how beautifully robust the human body is...The fact is that 85 percent of all illnesses are self-limiting; the body will right itself if given half the chance."

Cousins joined the faculty of the University of Los Angeles Medical School in the late 1970s, and worked with cancer patients. He matched patients by type and severity of illness, and offered one group the kind of positive treatment he used successfully for himself; the other group did not volunteer for this treatment. There was a substantial remission rate of disease in the group that had the positive treatment, he reported in medical journals.

Worked With Patients

Although it has been known for years that the negative emotions of fear, hate, and rage cause negative chemical changes in the body, Cousins

was the first to document that the positive emotions of joy, happiness, and love, cause positive chemical reactions in the body. He found that a patient's sense of well-being could positively affect the function of the immune system and production of cancer-fighting T-cells.

It was his finding that close family connections could reinforce those positive emotions and induce good health that prompted NCCR to ask him to be an advisor to NCCR. He had been an advisor for more than two years.

Cousins was editor-in-chief of the *Saturday Review* magazine from 1942 to 1977, the author of 25 books, honorary president of the United World Federalists, and co-chairman of the National Committee for a Sane Nuclear Policy.

He undertook diplomatic missions on behalf of Pope John XXIII and Presidents Eisenhower, Kennedy and Johnson. He was awarded the 1990 Albert Schweitzer Prize for Humanitarianism for his efforts on behalf of international peace and the relief of human suffering around the world.

Survivors include his wife of 51 years, Ellen, and their daughters.

Assets of Heads of Households

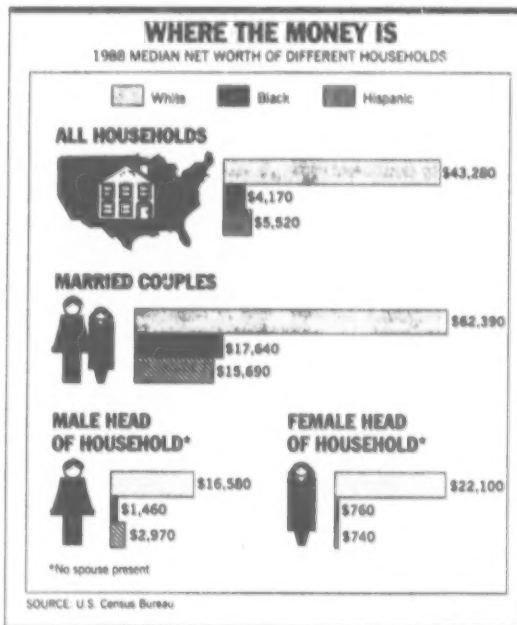
White female heads of households have more assets than white male heads of households, according to a Census Bureau report released on January 10, 1991.

The report, based on surveys conducted in 1988, found that the average white female head of a household had assets of \$22,100, while a white male head of household had assets of \$16,580. Such households were defined as homes where no spouse is present.

Assets or wealth was calculated by first totaling the value of all bank accounts, stocks, bonds, homes and other real estate and motor vehicles owned by a household. Then mortgages, debts and outstanding bills reported by the census's sample were deducted to reach a net asset or wealth figure.

Black and Hispanic heads of single households had far fewer assets than their white counterparts, regardless of whether the household was headed by a man or a woman, the Census Bureau found.

Married couples had the most substantial assets of any group surveyed.



Around the Country

Ohio

Veto Power Removed

A long-awaited bill in Ohio that overturns the power of one parent to veto joint custody (shared parenting) was passed by the Ohio legislature on Dec. 20, 1990. The governor is expected to sign the bill.



Sen. Drake

Known as Bill 3, the landmark legislation, sponsored by Senator Grace Drake, allows either mother or father, upon separation or divorce, to request shared

parenting from the courts.

The bill enables judges, based on the best interests of the child, to consider such items in determining custody as:

- which parent is most likely to facilitate visitation with the other parent;
- whether a parent has any prior contempt of court for denial of visitation;
- the ability of the parents to get along, but if they don't get along, which parent is most likely to facilitate contact with the other parent;
- any past history of continued and willful denial of financial child support. On the other hand, neither parent's financial capabilities is to be considered.

Major credit for educating the legislature about the need for a child's right to two parents goes to CAPRA (the Children and Parents Rights Association) of Ohio, chaired by Andy Cvercko, who was ably assisted by Ed Davidian and Ed Nicewicz.

"This bill will benefit society, the schools, teachers, courts, and grandparents by enabling children to focus more on their relationships and school work rather than on family conflicts," said Cvercko. "It will also reduce the workload of family court."

Cvercko praised NCCR for its help. "For several years, NCCR pro-

vided much guidance and cooperation through vast amounts of printed material and one-on-one contact with CAPRA, its chairman, including a presentation to Ohio's legislators by NCCR President David L. Levy."

The bill also says nonresidential parents shall have the same rights as residential parents, including access to school records and all activities, whether they occur inside or outside of the school.

The new law also says a court shall consider the "wishes and desires" of a child of any age as to which parent the child wants to live with, if the child is competent to express those wishes.

Texas

Access Enforcement

A change in Court Rule 308a in Texas encourages the courts to investigate any charge of denial of access in much the same manner that the courts investigate child support violations — by the appointment of an attorney. Court rules affect the everyday behavior of judges and do not require legislative approval.

Jimmy Boyd of the Texas Children's Rights Coalition, attributes this emphasis on access enforcement in the court rules to:

1. Passage of S.B. 188 — the minimum access/visitation bill. This new law, passed by the legislature in 1989, is the first time that any legislature in the U.S. has set minimum access (visitation) standards. Under the guideline in S.B. 188, a judge must give a parent about 33 percent of the time with the child on a year-round basis. A judge may give more visitation than this, but he can not go below that amount, without good reason. Because S.B. 188 creates a rebuttable presumption, the judge must state the reason for any variation.

2. Passage of S.B. 826 — the Texas "Friend of the Court" bill which provides for the enforcement of visitation orders using an attorney ad litem system. The court is expected to assess attorney's fees against the person who

violates the visitation order.

The court rule, 308a (Suits Affecting the Parent-Child Relationship) states:

"When the court has ordered child support or possession of or access to a child and it is claimed that the order has been violated, the person claiming that a violation has occurred shall make this known to the court. The court may appoint a member of the bar to investigate the claim to determine whether there is reason to believe that the court order has been violated. If the attorney in good faith believes that the order has been violated, the attorney shall take the necessary action as provided under Chapter 14, Family Code. On a finding of a violation, the court may enforce its order as provided in Chapter 14, Family Code.

"Except by order of the court, no fee shall be charged by or paid to the attorney representing the claimant. If the court determines that an attorney's fee should be paid, the fee shall be adjudged against the party who violated the court's order. The fee may be assessed as costs of court, or awarded by judgment, or both."

New Jersey

Access Law Strengthened

A law that toughens New Jersey's child custody, visitation, and parental kidnapping provisions took effect in November, 1990.

The law raises interference with visitation to a crime of the third degree, punishable by up to five years in prison and \$7,500 in a fine.



Assemblywoman
Marlene Ford



Assemblyman
John Doyle

The interference can occur by a person who takes or detains a minor child in order to conceal him and thereby deprive the child's parent.

guardian or lawful custodian of custody or visitation.

In addition to the penalties, a person who is convicted of any offense under this law is required to make restitution of all reasonable expenses and costs including counsel fees incurred by the other parent securing the child's return.

"The laws are clear. No parent has the right to cut off another parent from their child," said Governor Jim Florio, in signing the bill.

The New Jersey Council for Children's Rights supported this bill, and thanks the sponsors, Assemblywoman Marlene Lynch Ford, and Assemblyman John Paul Doyle.

Georgia

Vigil and Open Meetings

A coalition of custody reform groups in Georgia has gotten major media coverage in the state, including the Associated Press, following a

candlelight vigil for Georgia's children held on the Capitol steps in Atlanta in January.

By forming a coalition of the Georgia Council for Children's Rights (affiliated with NCCR), the Georgia Alliance for Children, Fathers are Parents Too, (FAPT), Parents Without Custody, and the National Black Men's Health Network, the coalition has obtained coverage that would be more difficult for one organization to achieve by itself.

The groups sponsored a candlelight vigil for Georgia's Children, patterned after the Candlelight Vigil held at the Lincoln Memorial at NCCR's Fifth Annual Conference in October, 1990.

Voices for the 6,650,000 children of non-custodial parents who suffer interference with access (visitation) by the custodial parents were heard.

(For a state-by-state breakdown of the estimated 6,650,000 children, see NCCR's Fall, 1990 newsletter).

"We have to take our system from single custody, or only one winner, to a system where two parents are involved," Sonny Burmeister, director of the Georgia Council for Children's Rights, was quoted in the AP article on the candlelight vigil.

Burmeister also got extensive coverage from various media for protesting a closed meeting of the Georgia Commission on Gender Bias in the Judicial System.

Burmeister, blocked from attending a meeting of the Commission, immediately went across the street to the courthouse, borrowed a clerk's typewriter and typed and filed a pro se motion for a temporary restraining order to stop the meeting and order all other meetings to be open.

A judge began to hear the motion, but then delayed the hearing to give the commission the opportunity to defend its actions in closing the commission hearing.

"All we want to do is observe what they're doing and report it to the citizens of Georgia," said Burmeister.

NCCR Quoted in Media

NCCR has received media coverage in the past few months, including a guest column in *U.S. Today* (see below), news story comment on the 1,000 radio stations of NBC/Mutual Radio Broadcasting Systems, as well as coverage from a New Zealand newspaper interested in the U.S. child support system, WRC Radio (Washington, D.C.), and a reference source mentioned in "First for Women," a national women's magazine.

10A • FRIDAY, JANUARY 4, 1991 • USA TODAY

Parents need help, not a crackdown

By David L. Levy
Guest columnist

WASHINGTON — In the USA, about 100,000 custody battles are waged each year. After each, one parent is declared a winner and the other a loser, reduced to visitational status with his or her own children. Then we say, "Not only have you lost custody, but you must send a check to the other household each month." And we wonder why the child-support system is in such a mess?

Non-custodial parents are not absent parents so much as they are forced-away parents. They lose custody, and then they are treated like absentee cash registers.

Even visitation rights are virtually ignored. There is staff in every state to enforce financial support by withholding of wages and other methods, but there's virtually no staff anywhere to enforce access (visitation) orders.

Visitation doesn't give children enough time with a parent. Yet parenting is what this battle for greater access of children to their parents and grandparents is all about. Policies of the past 20 years have encouraged the single-parent family and discouraged the two-parent family. But children with two parents generally do better than those with one. And when parents are around, so are their wallets. Single parents do all they can, but they need help — best provided by the other parent.

Yes, child support is an obligation that must be lived



David L. Levy is president, National Council for Children's Rights.

up to. But by striving only for new ways for collections between often-hostile parents, rather than cooperation, officials risk driving parents further away from their children — not a desirable objective.

The many parents who care about their children could be encouraged if the government started sending the right signals — putting parenting classes in schools, providing a longer cooling-off period prior to divorce, and more marriage counseling. If separation occurs, require parents to attend a course on parenting, as in Wyandotte County, Kan.; require mediation or conciliation during the separation period; have a rebuttable presumption for joint custody (shared parenting).

Dr. Frank Williams of Cedars-Sinai Hospital in Los Angeles finds that even warring parents can be induced to function sufficiently well to raise their children. Far worse, says Williams, is to create a "parentectomy" — the removal of a parent from a child's life.

Those who treat this entire issue as involving only "money" have helped to produce a generation of children without sufficiently good values — a threat to us all. It is time we started to change the debate.

NCCR Speaks on Stepfamily Issues

NCCR President David L. Levy was a speaker at Wingspread IV, the fourth national meeting of clinicians, researchers, and policy makers interested in pooling resources to study issues which affect stepfamilies. The meeting was co-sponsored by the Stepfamily Association of America, Inc. and the American Association for Marriage and Family Therapists on October 7, 1990. Levy, who is a board member of the Stepfamily Association of America, spoke on the role of the federal government in access (visitation) issues.

Child Support Analysis

For presenting your own case in court (Strictly confidential) or for presenting to your legislature. Includes proposals for equitable results in a variety of situations. Laser quality data and graphs.

Sharp Data

When you want to make a POINT!

Fred Tubbs (802) 223-0873

RFD 1 box 284A

East Montpelier VT 05651

Serving all 50 states.

Habeas Corpus as a Remedy for Visitation Denial

When contempt of court fails as a remedy to encourage access (visitation) rights, try using a writ of habeas corpus to obtain access to your children. Habeas corpus has long been used at the state level as an appropriate remedy in family law.

Procedurally, in order to obtain a writ of habeas corpus to compel access compliance, most states require an aggrieved parent to first file a petition in the state court. A hearing is scheduled and an order for a hearing is served on the person allegedly restraining the child.

At some point, some states take the approach that the "best interests" of the child require a consideration of all custody/visitation issues.

The other approach confines the hearing to a more traditional inquiry, for which the writ of habeas corpus was designed, which focuses on the narrow question of whether the child is being held in violation of the visitation decree. Habeas corpus means literally (in Latin) "free the body" (the person).

The problem with the "best interests" standard is that it wastes time by duplicating previous hearings on the same custody/visitation questions. The "best interests" approach also fails to appreciate that the order which one parent is seeking to encourage has already been heard on the "best interests" of the child.

Psychological research indicates that access to both parents is ordinarily in the children's "best interests". If the visiting parent poses a risk to the child, the judge will not grant access or limit it. But, as an original decree awarding visitation rights stands, it is by definition in the "best interests" of the child. By relitigating "best interest" issues again, it gives a recalcitrant custodial parent the opportunity to a back door appeal not allowed in a state's rules of civil or appellate procedure.

Time and expenses are other considerations. The general rule is that, unless a state statute expressly allows courts to modify custody in a habeas

corpus proceeding, they must follow the traditional English practice of limiting the inquiry to freeing the child from unlawful detention, which is an illegal restraining of the child's liberty.

Habeas corpus avoids:

- lengthy delays in hearings
- expensive attorneys fees
- punishing the custodial parent
- risking remedies of contempt, modifications, and filing of tort causes of action.

Habeas corpus is an easy call for a judge to make. All the judge has to do is read the terms of the visitation order (make sure you have specified visitation rights — dates, time, holidays, birthdays, recesses, vacations, etc.), solicit the evidence of the child's whereabouts, and ask the custodial parent whether that person has some superior right to the child at that time.

Habeas corpus is an objective decision and leaves out the issue of biases against non-custodians. Once it is found that the child is illegally detained, the judge either tells the custodial parent to produce the child or be held in contempt, or possibly incarcerated. If necessary, the non-custodial parent is given make-up time — a day for a day, a week for a week.

The New Jersey habeas corpus statute, NJSA 2A:67-13, states that persons to whom the writ of habeas corpus applies are:

a. Any person in custody by virtue of civil process issued out of any court in this state.

b. Any person committed, detained, confined or restrained of his liberty, within this state, under any pretense whatsoever.

For further information, contact Bruce Eden, New Jersey Council for Children's Rights, P.O. Box 615, Wayne, NJ, 07474, (201) 694-9323.

Prince George's County Mediation Program

The Prince George's County, Maryland Visitation Office, which is one of the few jurisdictions in the U.S. that has staff to resolve access (visitation) complaints informally out of court, averages about 40 cases a month.

For the third quarter of 1990, 149 cases were received, and 76 percent were resolved satisfactorily. There was an increase of 10 percent in the cases received for the quarter which began in October, 1990. The average time spent in resolution of each case has been 72 minutes.

This information was provided by Linda W. Botts, executive director of the Office of Child Support Enforcement of Prince George's County, 14701 Governor Oden Bowie Drive, Suite 300, Upper Marlboro, MD 20772, phone (301) 952-4823. NCCR estimates that the average salary cost for each case that was resolved is \$15.00.

Prince George's County, which is just outside Washington, D.C. initiated this visitation mediation program in 1985 at the urging of NCCR. The program was discontinued after a year, but again, at NCCR's urging, the program was re-instituted.

This is the second year of its re-institution. For each of these past two years, Prince George's County has provided \$50,000 in county funds for the program. The program is technically under the county Child Support Office, but the actual running of the mediation program is subcontracted to the University of Maryland Child Mediation Office, which provides the mediators. The University of Maryland is in Prince George's County.

Most of the mediation is done by phone; but occasionally, mediation is provided in person.

NCCR urges you to try to get a program like this set up in your city or county. Our NCCR Report R105A — Access (Visitation) Report provides a lot of the background, and may be purchased for \$12.00 by non-NCCR members, and \$10.00 by members.



CHECK IT OUT!

Advertise in

Speak Out For Children.

For a rate card, write: NCCR Ads, Next-Step Publications
1485 3rd, Astoria, OR 97103
Or call (503) 325-8828

Anatomically Correct Dolls Have Limited Use

Without other information available to the professional, anatomically correct dolls are a poor source of information to decide whether or not a child has been sexually abused, according to a study described in the September, 1990 issue of the *Journal of the American Academy of Child and Adolescent Psychiatry* (AACAP).

In a study of 15 children, 7 years or younger, child and adolescent psychiatrist George M. Realmuto, M.D. and his colleagues investigated the accuracy of using only sexually anatomically correct (SAC) dolls to substantiate sexual abuse.

The study found that SAC dolls as the only source of information regarding sexual abuse were little help in accurately identifying true cases from questionable cases and, in fact, lead to more false positives (67 percent) than true positives (33 percent).

The authors state that SAC dolls

can be very useful, but only as part of a complete and comprehensive psychiatric examination.

"Only with a thorough evaluation will the mental health professional fulfill his or her obligation to understand the child's strengths, weaknesses and problems, and allow an adequate formulation of the case," say the authors.

Currently, due to court pressures for expert opinions in sexual abuse cases, testimony is sometimes based on conclusions obtained solely from a child interview conducted with SAC dolls, the authors noted.

They said that two recent surveys of the purchasers of SAC dolls showed that less than half of the nonmedical evaluators had any formal training on doll use.

They expressed concerns about the use of SAC dolls by evaluators who do not have knowledge of child devel-

opment, training in child psychopathology or special training in the systematic neutral presentation of SAC dolls.

The AACAP has published "Guidelines for the Clinical Evaluation of Child and Adolescent Sexual Abuse" (1988) which emphasizes the importance of a comprehensive evaluation by a properly trained clinician.

Realmuto is assistant professor in the Division for Child and Adolescent Psychiatry, University of Minnesota Hospital and Clinic, Minneapolis. Co-authors Jonathan B. Jensen, M.D. and Sibyl Wescoe, M.D. were affiliated with the University of Minnesota when this study was conducted.

The Society, based in Washington, D.C., has a membership of 4,400 child and adolescent psychiatrist-physicians with at least five years additional training beyond medical school in adult, child and adolescent psychiatry.

NCCR Chapters

Georgia and Indiana are NCCR's newest chapters and were formed during the past three months. Sonny Burmeister of Atlanta, Georgia, and Skip Holeman of Highland, Indiana are the coordinators in their states.

This makes 10 states where NCCR now has chapters.

If you live in a state where there is an NCCR chapter, we urge you to join the chapter. In this way, you will be networking with a chapter and national NCCR to reform custody law and attitudes around

the country. By becoming a member of the chapter, you also become a member of National NCCR.

If you would like to learn if a chapter is forming in your state, or if you would like to form a chapter in your own state or community, write to NCCR for our all-new Affiliation Booklet.

This 37-page booklet explains everything you want to know about affiliation.

Coordinators of our state chapters maintain contact by mail exchange and cross-country telephone conference calls between the chapters and NCCR national.

Eric Anderson of Texas has agreed to

be the coordinator for all NCCR chapters. He was recommended for this post by Jimmy Boyd of the Texas Children's Rights Coalition. Eric, of Austin, has already done an excellent job of upgrading contact and communication among the chapters.

Note: NCCR's name is protected by federal trademark law. We also assert a right over any similar names which would indicate an affiliation with NCCR. Thus, no person or organization has the right to use a name such as "(state) Council for Children's Rights" unless they are affiliated with NCCR, and they may use the name only so long as they remain affiliated with NCCR.

Chapters

Alaska

Alaska Dads and Moms
5974 North Street
Juneau, Alaska 99801-9711
(907) 780-4684
Sandra Armstrong,
NCCR state coordinator

Steve Strube, president
Alaska Family Support Group
P.O. Box 52115
Big Lake, AK 99652-1151
(907) 892-7760

Tracy Driskill,
Second Wives and Children
P.O. Box 875731
Wassila, AK 99687-5731
(907) 376-1445

Connecticut

Connecticut NCCR chapter.
44 Franklin Street
Trumbull, CT 06611-4663

(203) 452-9624

Max Gregorich, coordinator

Florida

Florida NCCR chapter
113 W. Tara Lakes Drive
Boynton Beach, Florida 33436
(407) 369-3467
Piotr Blass, coordinator

mid-Florida chapter
Barbara Walker-Seaman
353 N. Central Avenue
Oviedo, Florida 32765-6307
(407) 365-7812

Georgia

Georgia Council for Children's Rights
P.O. Box 70486
Marietta, GA 30007-0486
(404) 591-7772
Sonny Burmeister, coordinator

Indiana

Indiana Council for Children's Rights

9405 Kleinman Road, 9th floor
Highland, IN 46322-3027
(219) 924-2237
Skip Holeman, coordinator

New Jersey

New Jersey Council for Children's Rights (NJCCR)
P.O. Box 615
Wayne, NJ 07470-0615
(201) 694-9323
Bruce Gillman, president

Ohio

Coalition of Parental Rights Associations (CAPRA)
227 S. Roanoke Avenue
Youngstown, OH 44515-3548
(216) 799-9787
Andy Cvercko, president

Texas

Texas Children's Rights Coalition (TCRC)
12103 Scribe Drive

Austin, Texas 78759-3132
(512) 836-6621

Vermont

Vermonters for Strong Families
RR 1, Box 284A
E. Montpelier, VT 05651-9801
Fred Tubbs, president
(802) 223-0873

Virginia

Fathers United for Equal Rights and Women's Coalition
P.O. Box 1323
Arlington, VA 22210-1323
(703) 451-8580
Paul Robinson, president

Family Mediation of Greater Washington
10300 Eaton Road
Fairfax, VA. 22030
(703) 522-7628

Conservatives and Liberals Favor 2-Parents

Both conservative and liberal groups have issued reports within the past several months in favor of the two-parent family.

We have all heard of budget deficits. Now, a conservative group has argued that the most pressing deficit for policy-makers is the "parenting" deficit.

The increase in divorce, non-marital births, single-parent households and the dual wage-earner families over the past decade means that parents, on average, spend 17 hours a week with their children, down from 30 hours a week in 1980, according to an article published in the Heritage Foundation's *Policy Review* on January 10, 1991.

The family time deficit takes its greatest toll on children raised by single parents — about a quarter of all children, nearly triple the percentage of a generation ago, said an article in the *Review*.

Single mothers spend a third less time than married mothers on primary child-care activities, according to a study by University of Maryland sociologist John Robinson, the article states.

Research shows that, after adjusting for economic levels, children raised in single-parent families perform less well in school and have more physical, emotional and behavioral problems than children in two-parent families.

The Heritage Foundation called for tax breaks for families with young children, including a steep increase in the dependent tax exemption to \$7,000. *The Review* also suggested that companies make it easier for employees to work at home, and give a preference to job applicants who join or return to the work force after extended absences for parenting.

Last Fall, the Progressive Policy Institute, a think tank with ties to liberal Democrats, published a monograph that also made the same point — that society needs to again begin emphasizing the two-parent family.

The article, widely quoted in the

Washington media, was the first time a major liberal think tank had criticized the U.S.'s focus on helping the single-parent family rather than the two-parent family.

One of the co-authors of the Progressive Policy Institute paper, William Galston, was quoted in the Washington Post, January 10, 1991, as saying he thought he would have to "run for my life" by deviating "from what was taken to be Democratic Party orthodoxy" in favor of the single parent families, "but the reception has been excellent."

Galston said that with the budget deficit and the recession, the chances for dramatic policy breakthroughs in favor of the two parent family are slim.

NCCR Disagrees

In a meeting we held with representatives of the Progressive Policy Institute, and a planned meeting with representatives of the Heritage Foundation, our point is that emphasizing the two-parent family can actually save money and reduce reliance on social services.

We have pointed out several things government can do right now to emphasize the two parent family, e.g.

- start using the language of two-parents. Instead of referring to programs that help "mothers and children," start talking about "mothers, fathers and children."
- change the orientation of "women's commissions" that exist in almost every state to "family commissions"
- change the emphasis from just financial child support to emotional as well as financial child support. Instead of saying "Kids — they're worth every penny," HHS should adopt the NCCR slogan of "Kids — they're worth every penny — and every hug," or something similar.
- require that all states emphasize shared parenting, except in cases where it is not appropriate. Shared parenting is a two-parent

program, while financial support, though important, is a one-parent program (assisting the single parent).

- require all states to have access/visitation staff, instead of just staff to enforce financial child support.
- make all laws affecting families and children balanced and gender neutral.

Thanks to Our Contributors!

We wish to thank those who have joined, renewed their membership, contributed to NCCR, or ordered materials from NCCR from October through December 1990. * Denotes life member of NCCR (financial and/or service contributions totaling \$500 or more).

Bob Adams	Beverly Kelsey
Michael Akai	Reid Kimbrough
Tim Anderson	Kirk Kitchin
Jack Arbutnot	Windy Kornberg
Penn Avera	Walter Kuckes
Rob Armstrong	Jeffery Loving
Jim Arnesen	Dennis Lewis
Raymond Auger	John Lord
Richard Austin	Elmer Maggard
Travis Ballard	Andrew Matus
Greg Beard	Donald McClain
Robert Beckett	George McCoy
Sanford Berger	Elizabeth McDonagie
John Bird	Bonnie McMillin
Rebecca Black	Rhona Miele
Robert Blumenthal	Connie Miller
Dennis Boytim	Susan Miller
Jane-Guy Brochu	Joseph Milling
Ronald Brodie	Paul Mitchell
Howard Brown	James Moran
Horace Burmeister	Ellen Muller
Bruce Burrows	Beverly Mussetter
Anton Canuso	Daniel O'Neil
Jane Charnas	Bob Palmer
Ferrel Christensen	Katherine Parker
Kathy Clark	Jean Pierce
Emma Clarke	Joseph Pirone
Deidre Conway Rand	Mark Podolner
James Cook	Vella Potash
Barry Craig	Stanley Protokowicz
Andrew Cverko	John Pulcinell
Amanda Davies-Rowley	John Ratajewski
Teresa Davis	Annie Reid
Mikhail Deasi	Frank Reiss
David Dinn	Arlid Ringen
Scott Donaldson	* Paul Robinson
Brian Dannelley	Scott Roleson
Annette Dunn	Andrew Rosica
Martha Dygert	Bob Rudolph
Kent Earmhardt	John Rutherford
* Peter Eccles	Jerome Sachs
Kevin Eckert	Richard Sansone
Isaac Ben Ezra	* Gary Santora
Jodi Foley	Antoinette Saunders
Redon Forest	Tieha Scafisi
Donald Forslund	Catherine Scarborough
Tommy Foster	Richard Schaftrath
Kathy Frey	Barry Scher
Nancy Gessner	David Schick
Subhen Ghosh	Carolyn Schroeder
Joanne Gilden	Patricia Seidel
William Glassmire	R. Brock Shamberg
David Gordon	* John Siegmund
* Tom Greco	* Kenneth Skilling
Evelyn Green	Aletta Seuka
Robert Green	Thomas Slater
Thomas Griggs	H. Roberts Small
Sylvia Hackett	Ed Smithers
R. Hallman	Barbara Sornick
Timothy Hanson	Deborah Sours
Harry Harrison	Nancy Status
Martha Hartmann-Harian	Betty Taylor
Jerry Hill	Raymond Ternes
Chihui Hau	Larry Thomas
* Elina Hum	* William A. Tolo
Kathryn Humphrey	Fred Tubbs
R. Hutzler	David Tuck
Fred Irani	Paul Tumas
Charles Jamieson	Ralph Underwager
Arthur Janes	Eugene Veto
Lisa Jellison	Hollida Wakefield
David Johnson	Bernadine Watson
Kathleen Johnson	Marjorie Weiss
Lance Johnson	Brent Whiting
Robert Karis	Dick Woods
* Anna Keller	Howard Yahm
George Kelly	Roland Zuk

Here are a few selections from The
National Council for Children's Rights

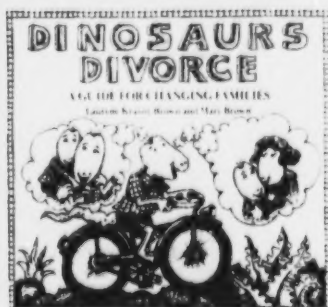
1991

CATALOG OF RESOURCES

for parents
and professionals

The NCCR catalog lists more than sixty books, written reports, audio-cassettes, model bills and gifts for children. Members can receive additional free copies of the catalog by contacting NCCR. Non-members can order one for \$1.00. Write: NCCR, 721 2nd St. N.E.,

Send all book orders to: NCCR Books, P.O. Box 5568, Friendship Station, Wash., DC 20016. Add \$2 for 1st book, 50¢ each add'l book for shipping and handling.



Especially for Kids

Dinosaurs Divorce, by Laurene Krasny Brown and Marc Brown. Cartoon style, story form to help children 4-12 understand divorce words and what they mean, why parents divorce, how children feel, having two homes. Endorsed by *N.Y. Times*, *American Bookseller*, *School Library Journal*, and *Publishers Weekly*. **BKK-102 — 31 pages. \$4.70**

Especially for Parents

Divorce Book for Parents, Vicki Lansky. Draws on her own experience, that of hundreds of other parents, and professionals, to give sound advice on how to help your children survive and even thrive ... and remain true to themselves at the same time. **BKP-204 — 255 pages. \$18.95.**

Fathers' Rights — The Sourcebook for Dealing with the Child Support System, by John Conline. Authored by a child support enforcement officer who worked for many years at both the state and national level. Suggests how on how to change a biased system to deal impartially with husbands, wives and children. **BKF-406 — 220 pages, hardback. \$17.95.**

Especially for Stepparents

Making it as a Stepparent, New Roles/New Rules, by Claire Berman, director of public education, Child Welfare League of America. Provides practical help and insights into the many challenges and rewards of step-families. **BKS-302 — 202 pages. \$7.95.**



Mediation

Mediating Divorce, by John M. Haynes, Ph.D., and Gretchen Haynes, M.A. John Haynes, founding president of the Academy of Family Mediators, and trainer of about 5,000 judges, lawyers and therapists in mediation, and Gretchen Haynes, show how mediation techniques can be applied. **BKE-602 — 310 pages, hardback published 1989, \$27.95.**

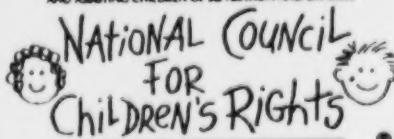
Child Abuse

The Parental Alienation Syndrome and the Differentiation Between Fabricated and Genuine Child Sex Abuse, by Richard A. Gardner, M.D., an authority on the Parental Alienation Syndrome (PAS). **BKA-801 — 314 pages, hardback, \$20.00.**

The Parental Alienation Syndrome
and the Differentiation Between
Fabricated and Genuine
Child Sex Abuse

Richard A. Gardner, M.D.

A NON-PROFIT, TAX EXEMPT ORGANIZATION STRENGTHENING FAMILIES
AND ASSISTING CHILDREN OF SEPARATION AND DIVORCE



721 2nd Street, N.E.
Washington, D.C. 20002-4307
Address Correction Requested

Non Profit Organization
U.S. Postage
PAID
Washington, D.C.
Permit # 881

Please Reprint This in Your Newsletter or Journal



We are proud of your achievements, NCCR! Sign me up and send me the benefits listed below. Enclosed is my tax deductible contribution as a:

- ☐ New member, \$25 ☐ Sustaining member, \$50 ☐ Sponsor, \$100
☐ Life member, \$500 ☐ Other \$ _____
☐ I can't join now, but here is my tax-deductible contribution of \$ _____

PLEASE CHECK ALL THAT APPLY.

- ☐ MC ☐ VISA CC# _____ Exp. date _____

NCCR # _____ if renewal or change of address, see NCCR number on label.

Title _____ (Mr., Ms., Dr., Rev., etc.)

Name _____ (Must be provided.)

Suffix _____ (ACSW, MD etc.) Nickname _____ (Optional.)

Organization (48 Character maximum): _____

Delivery Address (48 Character maximum): _____

City _____ State (2 characters) _____

Zip code _____ - _____ in US, 9 digit zip code is needed for mail discount. Check a magazine label for information

Country _____ (If other than US.)

Organization phone _____ Home phone _____

Work phone _____ If organization is listed in NCCR Directory, organization phone number will be listed.

Individual and work phone numbers are for NCCR internal use only.

Fax number _____ Chapter name, if affiliated with NCCR _____

As a member, please send me *Speak Out for Children* (NCCR's Quarterly Newsletter), Catalog of Resources (in which I receive discounts) and the following at NO ADDITIONAL COST:

- "A Child's Right - 2 Parents," Bumper Sticker.
- FREE! A \$10 VALUE — A 32-page report, Written Preliminary Proceedings from NCCR's 1990 Fifth Annual Conference (submitted prior to conference). Includes 18 different reports including Child Sexual Abuse, New Access (Visitation) Research, What is Happening in the Black Family, How to Avoid a Parentectomy, and Activities of the ABA's Center on Children and the Law.

For my membership of more than \$25.00 or renewal, send me a list of free items I'm entitled to (the higher the contribution, the more items that are free).

If you are an individual member of NCCR, your name may be given on occasion to other children's rights organizations, organizations that support NCCR, or individuals seeking a referral for help. If you do not want your name to be given for these purposes, please check here.
Keep all personal information confidential.

Call (202) 547-NCCR (6227) to charge your membership to a credit card, or
send completed form to NCCR, 721 2nd Street N.E., Washington, D.C. 20002-4307.

Distributed by:

If you are a resident of AK, CT, GA, OH, FL, IN, NJ, VA, TX, VT, we ask that you join the NCCR chapter in that state (which includes membership in NCCR National). For address of chapter in those states, see elsewhere in this newsletter, or write to NCCR for information.

SPEAK OUT FOR CHILDREN™



The Quarterly Newsletter of The National Council for Children's Rights, Inc.
220 I Street N.E., Suite 230, Washington, DC 20002-4362 (202) 547-NCCR

IN THIS ISSUE:

NCCR Conference
Update 4

Cuddling Important
..... 5

Around the Country
..... 7

In the Courts 8

Special 4-Page Pullout
— Research as if
Children Mattered
..... 9

Child Access Project
..... 13

Dads and Moms
..... 14

NCCR in the Media
..... 15

Non-Custodial Parents
and School Records
..... 16

Public TV Focuses on
Kids 17

Liberals and Conservatives Agree

Two-Parent Family Gains Support

A consensus is developing among liberals and conservatives that the two-parent family is the most helpful family configuration for children.

"An unusual alliance" of liberals and conservatives is taking shape on this issue, *The New York Times* reported in an article on May 1, 1991, page 18 (See also **SPEAK OUT FOR CHILDREN**, Winter, 1990/91).

On the one hand, *The New York Times* said, the coalition includes lawmakers like Representative Patricia Schroeder, a liberal who heads the House Select Committee on Children, Youth and Families, and groups like the Progressive Policy Institute, a liberal Democratic public policy research organization.

On the other side are conservatives like Phyllis Schlafly, an opponent of the equal rights amendment, and the Family Research Council,



Rep. Patricia Schroeder

and a group opposing abortion and gay rights.

The New York Times reported that the coalition is loose and Ms. Schroeder and Ms. Schlafly have not met, for example, to discuss strategy.

"Liberals and conservatives would disagree on everything, including the time of day, but not on this issue," Gary L. Bauer, presi-

dent of the Family Research Council, recently told a Congressional hearing on financial constraints and the family. "I am concerned that the politics of saving the family will be the politics of the 90s."

"The family is under great cultural and fiscal attack today," said Representative Frank W. Wolf, Republican of Virginia, and ranking minority on the House Select Committee

See Two-Parent page 3

Psychologists Moan Loss of Two-Parent Families

A new survey of psychologists agrees that the decline of the nuclear family is the single greatest threat to America's mental health.

Thirty percent of 1,505 members of the American Psychological Association cite the demise of the nuclear family as the greatest threat. Other threats in order of importance are unemployment, 20 percent, drug abuse, 18 percent, alcohol abuse, 14 percent.

"We have fewer and fewer children grow-

ing up in a traditional family," said APA spokesman Bryant Welch in a U.S.A. Today article on March 19, 1991. "That creates stress on single parents," said Welch.

The findings reflect a growing trend to emphasize family therapy over divorce, said Ralph Earle of the American Association for Marriage and Family Therapy, in the same article. "We are trying to work through the issues within the family," he said.

SPEAK OUT FOR CHILDREN is published by the National Council for Children's Rights, Inc.

Editors: David L. Levy, Elliott H. Diamond.

Contributors to this issue: Anna Keller, Dan Gold, Kenneth Skilling, John

Siegmund, Peter G. Sokaris, Charles Davis, Elbert Goodson, Andrew Diamond.

Terry Ehmman, Stacey Sisco, Bethany Lowe, David Schweickler, Vivian Durieux, Kelly Stackman, Tricia Marlar, American University Semester-in-Washington and Washington Semester college student interns.

Staff: Ed Mudrak, Deanne Mechling.

The material in this issue is copyrighted by NCCR 1991. However, all material may be reproduced, if attribution is given as follows: "From 'SPEAK OUT FOR CHILDREN,' published by The National Council for Children's Rights."

About NCCR

The National Council for Children's Rights (NCCR) is a non-profit [IRS 501(c)3] organization, based in Washington, D.C. We are concerned with the healthy development of children of divorced and separated parents. For the child's benefit, we seek means of reducing divorce by strengthening families through divorce and custody reform, minimizing hostilities between parents who are involved in marital disputes,

substituting conciliation and mediation for the adversarial approach, assuring a child's access to both parents, and providing equitable child support.

NCCR was founded in 1985 by concerned parents who have more than 40 years collective experience in divorce reform and early childhood education.

Prominent professionals in the fields of religion, law, social work, psychology, child care, education,

business and government comprise our Advisory Panel.

For further information about membership, publications, cassettes, catalog, and services, write: NCCR, 220 I St. N.E., Washington, D.C. 20002, or call (202) 547-NCCR (6227).

SPEAK OUT FOR CHILDREN is published at least four times a year and is sent free to members. Send letters, comments, and articles for publication to Editor, NCCR.

OFFICERS:

David L. Levy, Esq. President
Anna Keller, Vice President
John L. Bauserman, VP/Treasurer
Ellen Dublin Levy, Secretary

CHAIRMAN:

Stuart W. Cochran II
founder, America's Children Tomorrow (ACT)

GENERAL COUNSEL:

Michael L. Oddenino

DIRECTOR OF PUBLICATIONS:

Deanne Mechling

DIR. OF INFORMATION SERVICES:

Ed Mudrak

ADVISORY PANEL:

Rabbi Mendel Abrams, D. Min.
Former President, Board of Rabbis of Greater Washington, D.C.

Sheila Brayman, Former President
Mothers Without Custody

Sam Brunelli, Executive Director
American Legislative Exchange Council

Jim Cook, President
The Joint Custody Association

"Dear Abby"
(Abigail Van Buren)

Honorable Dennis DeConcini
U.S. Senator, Arizona

Karen DeCrow
Former President of N.O.W.

Elliott H. Diamond,
Co-Founder, N.C.C.R.

Honorable David Durenberger
U.S. Senate, Minnesota

Meyer Elkin, Co-Founder
Association of Family & Conciliation Courts

Warren Farrell, Ph.D., Author,
Former Member of the Board of
Directors New York City N.O.W.

Doris Jones Freed, Esq., Co-Chair
New York State Bar Association Family Law
Section's Custody Committee

Larry Gaughan, Law Professor,
Professional Director, Family Mediation
of Greater Washington, D.C.

Herb Goldberg, Ph.D., Author, Professor
of Psychology, California State University

Ronald T. Haskins, Ph.D., Associate
Director, Bush Institute for Child and
Family Policy, U of NC

Joan Berlin Kelly, Ph.D.,
Executive Director
Northern California Mediation Center

Vicki Lansky, author/columnist
Deephaven, Minnesota

James Levine, The Fatherhood Project,
The Bank Street College of Education

Dr. Carl H. Mau, Jr.
General Secretary
Lutheran World Federation
(1974-85)

John Money, Ph.D., Professor of Medical Psychology and
Pediatrics
Johns Hopkins University and Hospital

Sue Klavans Simring
Co-Director Family Solutions
The Center of Divorce and Custody Consultation

Honorable Debbie Stabenow, Chair
Mental Health Committee
House of Representatives, Michigan

Carol Stack, Ph.D., Director, Center for the Study of the
Family and the State
Duke University

Joint Custody Research Article Delayed

Part III of our series of articles on Joint Custody Research has been indefinitely delayed. Parts I and II focused on what NCCR found to be inadequacies in the research of Dr. Judith Wallerstein on joint custody. Reprints of Parts I and II, which appeared in our Summer and Fall, 1990 newsletters, can be ordered from NCCR for

\$5.00 for NCCR members, or \$6.00 for non-members.

Alternatively, you can order a complete 75-page review of Joint Custody Research, in which Parts I and II have been included. The complete review, Report R103, is available for \$12.00 for NCCR members, \$15.00 for non-members.

Volunteers!

Are you interested in office work, public relations, fund-raising, membership development, tax issues affecting the family, advocacy, research or writing? Or would you like to form an NCCR chapter in your state, city or county? If so, please write to NCCR. We will send you information. Thank you.

Two-Parent

Continued from page 1.

headed by Schroeder. "Nearly every statistic on family well-being, from teen suicide rates to teen pregnancy, indicates that the family is in a downward spiral. Yet while children are more at risk, parents are pushed by financial pressures to spend less time with their children."

One of the first issues loosely agreed to by the coalition is a bill that would raise the income tax deduction for parents with children under the age of 18.

Another measure also being suggested is to federalize child support.

NCCR's View

NCCR welcomes the concerns by liberals and conservatives for responsible action to strengthen the two-parent family.

However, we are concerned that the government not continue a single parent policy under a two-parent name. For example, the effort to increase the child deduction is laudable, but the question of who will get the deduction for families of divorce is being avoided on Capitol Hill.

NCCR has been told by Hill staffers that first, the appropriate Congressional committees should raise the deduction, and then other committees can decide who gets the deduction. NCCR's experience is that once the tax deduction is increased, that will be the end of the issue.

It used to be that the parent who contributed more than 50 percent of the child care costs obtained the exemption for the child, and each exemption amounts to a \$2,050 deduction. Congress changed that to say that the exemption shall go to the custodial parent, absent an agreement to the



Gary L. Bauer

contrary between custodial and non-custodial parent. Because few custodial parents are likely to agree to forego the exemption, it is the custodial parent who receives this benefit, even if the noncustodial parent has contributed most if not all of the child care costs.

NCCR's tentative proposal is that parents should share equally in the child deduction, unless a court rules to the contrary. This means that if the deduction is increased, say, to \$4,000, each parent could claim \$2,000 on their tax return, absent a court ruling allocating the deduction in some other way.

The court should be given the flexibility to split the deduction, differently, if it decided to do so.

A 50/50 sharing of the deduction, but with the court given the final word would provide the "certainty" that the IRS complained was lacking when parents had to decide, under the old rules, which parent was providing 50 percent of child care costs.

If you believe Congress should allocate the child deduction 50/50, write to your Senator or Representative. State that the allocation of the deduc-

tion should be decided at the same time there is any increase in the deduction—in order to assure fairness.

As to federalizing child support, which might involve a national guideline and more control over collections from Washington, NCCR's view is that if the federal government takes over child support collections, it ought to federalize emotional child support, as well. The government could require, for example:

- parenting classes (not just sex education classes) in schools;
- funding for marriage counseling;
- braking mechanisms for divorcing parents (e.g. in Virginia there is a six-month waiting period for divorce, but if there are children, the waiting period is one year);
- if there is separation, funding for mediation and conciliation;
- funding for pre-court trial services, under which all separating couples would attend a class on parenting prior to continued custody litigation;
- joint custody (shared parenting) as a first option in all states.

Further note: Thanks to NCCR supporters, we are helping to change the language in this country from "visitation" to "access."

We also need to start talking about "financial child support" and "emotional child support" so that parenting gets its proper due.

Those who talk about child support should not continue to be able to equate this solely with money. Money is important, but parenting is also very important. Both are forms of child support, in NCCR's view.

So let's talk about "emotional child support" and well as "financial child support."

Especially as research by Thoennes and Pearson of the Center for Policy Research in Denver shows that where there is residential joint custody (shared parenting), the flow of money to the other parent and to the child, increases. Not only is parenting improved, but there is greater incentive and inducement to pay money. Copies of this research is available from NCCR for \$10.00 for members, \$12.00 for non-members.

for kids caught in
Drugs and Crime.

The long-range answer, say criminologists, is improved parenting. Make a tax-deductible contribution to a major national advocacy group working for a child's right to two parents (a father and a mother), regardless of the parents' marital situation.

The all-volunteer National Council for Children's Rights (NCCR), Dept. NS, 220 I Street N.E., Washington, DC 20002 (202-547-6227) or join NCCR for \$35.00. Write or call for further information. Advisors include "Dear Abby," Sens. David Durenberger (R-MN) and Dennis DeConcini (D-AZ). "Out-standing Group!" — Vicki Lansky (Family Circle Columnist).

**JAIL IS NOT THE
ANSWER**

NCCR's Next Conference March 19-22, 1992

NCCR will hold its Sixth Annual Conference the weekend of March 19-22, 1992 at the Westpark Hotel in Arlington, Virginia, just across the Key Bridge from the Georgetown section of Washington, D.C.

The theme for the conference is "The Best Parent is Both Parents." (We thank NCCR General Counsel Michael L. Oddenino for this excellent conference theme.)

The Westpark Hotel, which has a commanding view of the Potomac River, features an indoor pool, whirlpool, sauna and exercise room, restaurant, coffee shop, laundry room, same-day valet service, and free indoor parking.

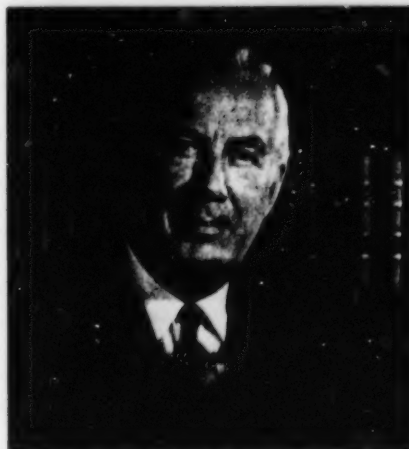
The monuments of Washington are visible from the restaurant on the 13th floor. The hotel, which is located at 1900 North Fort Myer Drive, is two blocks from a Metro (subway stop), 10 minutes by subway or car to National Airport, and a ten minute walk across the Key Bridge to Washington, D.C.

We have invited and expect Jessica Pearson, Isolina Ricci, Claire Berman and Joan Berlin Kelly to be speakers at the conference.

Please circle your calendars. More details will be provided later.

Awards Time Again

At NCCR's March 19-22, 1992 conference, NCCR will present the annual Chief Justice Warren E. Burger awards for "healers" among lawyers, judges and others, and its annual Media Awards for the best and worst



Former Chief Justice Warren Burger

treatment of children of separation and divorce in the media or advertising.

A "healer" might be:

- a judge who takes the lead in promoting joint custody (shared parenting);
- a pre-court trial service which fosters mediation;
- an attorney with a professional track record of promoting a child's access to two parents and others who have bonded with the child.

For media awards, possible contenders are:

- best and worst treatment of children and parents of divorce in the news media (including newspapers, magazines, TV, and radio coverage);

- best and worst media coverage of a county agency helping children of divorce with programs for teenage parents;
- best and worst TV series on abuse and false abuse charges.

Please send the following regarding your nominations:

1. The name, address and phone number of your nominee.
2. A brief, written explanation (100 words or less) of why the nominee should be cited. Give us the facts.
3. Enclose any documentation (newspaper article, date, place and name of TV station, corroboration from other affected persons) which is available.

Send "healer" awards nominations to:
Carla A. Goodwin, M.Ed
Certified Ed. Psychologist
920 Washington Street
South Easton, MA 02375

Send media award nominations to:
Mary Burr
8050 Felicity Court
Springfield, Virginia 22153

The deadline for nominations is December 31, 1991.

The 1992 winners will be named at the conference in March, 1992. Winners will be invited to receive their awards in person. The persons who nominate the winners will be asked to make the presentations at the conference to the winners on behalf of NCCR.

Access Grant Deadline July 31

The deadline for filing the federal government access/visitation grants is July 31.

The \$2 million funded by congress for the 1991 grants will be divided among five or six states with a portion of the money going for an

evaluation of the program, according to the U.S. Department of Health and Human Services (HHS). The applications are being handled by Ken Maniha of HHS. His phone number is (202) 401-5372.

Organizational Directory

NCCR's "Parenting International Directory," the third edition of its directory, is expected to be available by the time you receive this newsletter.

It will be available in a hard copy (updated annually) and on IBM 5-1/4" disk (updated semi-annually), \$10.00 for members, \$12.00 for non-members, for either version.

Study Shows Cuddling Important For Children

Children who are held, cuddled and showered with hugs and kisses are more apt to grow into successful adults than those who "learn discipline" at an early age, psychologists have reported.

Following up on studies conducted 36 years earlier on a group of 5-year-olds in Boston, the researchers said parental warmth had more influence on adult social adjustment than any other factor.

Warmth from both parents was significant to a child's ultimate success, the research showed.

The study compared mothers' assessments of the way

5-year-olds were parented in 1951 with the psychological and social well-being of these same children in 1976.

Adults whose mothers and fathers were warm and affectionate were able to sustain long and relatively happy marriages, raise children and be involved with friends and recreational activities outside their marriage at midlife," the authors concluded in a report in the *Journal of Personality and Social Psychology*.

(Adapted from a story written by the Cox News Service, and as appeared in the Indianapolis, *Indiana Star*, April 18, 1991.)

Letters to the Editor

I want to thank NCCR for providing information that helped to expand our thinking and allowed us to successfully fight for our children's right (two boys) to be with their father as well as their mother.

On January 18, 1991, we were able to settle out-of-court rather than going to trial. To our and the children's delight, the judge agreed to the "Friend of the Court" recommendation to order joint physical custody to my husband (the father of the boys) and his ex-wife.

The order provided for a very specific schedule of access for the children between our two households.

In addition, due to a provision in the Michigan child support guidelines that provides for shared economic responsibility in calculating (financial) child support when the parent has time for over 120 nights annually, we were able to successfully obtain from the court a reduction in child support due to our new custodial and access arrangement.

We've learned a lot about how to work within the system through all this. The information NCCR provided started us on the road to believe we had a right to fight. As a result, we know what is possible if we put our minds to it. We also educated a few attorneys along the way as well! Please send information about how to start a local chapter of NCCR.

Heather Lee Rowlison
Lawton, Michigan

Ed. note: It's nice to hear of success stories! Information on how to start a chapter has been sent.

.....
: This newsletter combines both :
: Spring and Summer quarterly :
: newsletters. :
:
:

NCCR Increases Member Dues

NCCR has not had a dues increase in the more than five years of our existence. However, due to increasing costs in postage and overhead, we have had to raise our dues to \$35.00 a year. The increase is effective

June 1, 1991. A copy of our annual financial audit, prepared by the independent firm of Patton and Erskine, in McLean, Virginia, is available for inspection from NCCR upon request.

Announcements

Academy of Family Mediators

The Academy of Family Mediators (AFM) will hold its tenth annual conference on July 15-20, 1991 at the Stouffer Madison Hotel, overlooking Puget Sound, in Seattle, Washington. The theme of the conference is "The Next Ten Years: Building on a Decade of Dreams, Commitment and Growth." For information, contact AFM, P.O. Box 10501, Eugene, OR 97440, phone (503) 345-1205

National Congress for Men and Children

The National Congress for Men and Children (NCMC) will hold its next conference at the Westin Peachtree Plaza in Atlanta, Georgia on August 22-25, 1991. (Hotel rate is \$62 single; \$72 for two or more). Various aspects of family law, including parental child abduction, will be discussed. For information, contact Kent Earnhardt, conference coordinator, 404-768-7509, or Fathers are Parents, Too (FAPT), at 404-449-8642. For Delta air fare discounts, call 1-800-221-1212, and mention file number A32472.

Mothers Without Custody

Mothers Without Custody (MW/OC) will hold its annual conference October 11-13, 1991 in Chicago, Illinois. Doreen Virtue, author of *My Kids Don't Live with Me Anymore*, will speak. For information, contact Jennifer Isham, 609 North Avenue, Crystal Lake, IL 60014, (815) 455-2955. The cost is \$85.00.

Bills and Resolutions in Congress

Were including important bills and resolutions in Congress affecting families. A bill, unlike a resolution, requires a state or persons to do something; a resolution expresses the wishes of Congress, but does not require action. H. or H.R. refers to the House of Representatives; S. refers to the Senate. Where there is one committee handling a bill, we have provided the committee's phone number; where there are several committees involved, we have provided the sponsor's phone number. You may call to check on the status of legislation, or to express your views. It is even more important to let your own Representative and Senators know your views.

H. Con. Res. 89, would express the wish of Congress that expert testimony concerning the nature and effect of domestic violence, including descriptions of the experiences of battered women, be admissible when offered in a state court by a defendant in a criminal case. Introduced by Rep. Connie Morella (R-MD), referred to House Judiciary Committee, (202) 225-3951.

H. Con. Res. 134, would express Congress's support for traditional family values. Introduced by Rep. William Dannemeyer (R-CA) and referred to House Subcommittee on Human Resources, (202) 225-1850.

H.R. 2055, to provide penalties for international parental kidnapping of children. Introduced by Rep. George Gekas (R-PA), and referred to the Subcommittee on Crime and Criminal Justice, (202) 226-2406. (We thank Congressman Gekas and his co-sponsors of the bill for adopting NCCR's view that interference with visitation should be specifically mentioned in this bill, not just interference with custody. NCCR was invited to a meeting of Congressional staff and advocacy groups prior to introduction of this bill, where our views were favorably received).

H.R. 1633, would assist in implementing the Plan of Action adopted by the 1990 World Summit for Children, including increases for nutrition and immunization programs. Introduced by Rep. Matthew McHugh (D-NY), (202)

225-6335. A more comprehensive bill entitled "Freedom from Want," introduced by Rep. Tony Hall (D-OH), (202) 225-6465. Both bills referred to various house committees.



Rep. George Gekas

H.R. 1753, would establish grant programs to pregnant women and children in need of adoptive families, and individuals and families adopting children. Omnibus Adoption Act of 1991, introduced by Rep. Christopher Smith (R-NJ), (202) 225-3765 and referred to various House committee. (Sen. Larry Craig (R-ID) is expected to introduce a companion bill in the Senate).

S. 4, to strengthen families and avoid placement in foster care, by providing intensive family services, family reunification services, and follow up services designed to strengthen families. Sponsored by Sen. Daniel Patrick Moynihan (D-NY), Sen. Lloyd Bentsen (D-TX) and others, referred to Senate Finance Committee, (202) 224-4515.

Rep. Thomas Downey (D-NY) is expected to introduce a similar bill in the House. At a hearing held by Rep. Downey on May 1, 1991, Kenneth S. Visser, Director, Family Preservation services, Michigan Department of Social Services, described Michigan's "Families First" program, under which staff in Michigan, assigned to help only two high-risk families at a time over a five-week period, produces up to an 80 percent record in avoiding placement of the children in foster care, with no reports on injury or neglect to children during "Families First" involvement.

(NCCR submitted written testimony to the committee supporting prevention programs to strengthen families, and NCCR's comments will become part of the written record of the hearing.)

S. 701, to increase the personal deduction for dependent children under age 18 to \$3,500. Introduced by Sen. Coats (R-IN). Referred to Finance Committee, (202) 224-4515; similar to H.R. 1277, introduced by Rep. Frank Wolf, referred to Ways and Means Committee, (202) 225-6649. (see front page story in this issue, regarding NCCR's view about sharing of the

deduction).

S. 5, the family and medical leave act, to provide for protection of job for leave for birth of a child or illness of a child or illness in the family. Introduced by Sen. Christopher Dodd (D-CT), approved by committee, and now on the Senate legislative calendar. Similar to H.R. 2, introduced by Rep. William Clay (D-MO), (202) 225-2406, and referred to various House committees.



Rep. Tom Downey

S. 15, the Safe Streets and Homes for Women bill, introduced by Sen. Joe Biden (D-DE), referred to Senate Finance Committee, (202) 224-4515; similar to H.R. 1502, introduced by Rep. Barbara Boxer (D-CA), (202) 225-5161, referred to various House committees.

CFC Funding

We thank everyone who designated NCCR in the Combined Federal Campaign (the federal government's annual charity drive) last October. This helps NCCR a great deal.

"We are personally thanking everyone who allows the CFC to notify the donor of your donation.

Also, if you renew your membership or make a contribution to NCCR in the near future, please consider designating your money as part of the matching fund for the Jarosh-Flynn Family Fund. The Fund has earmarked \$1,000 for NCCR, to be matched by an equal amount from our members. All you have to do is mark on your check "For Jarosh-Flynn Fund matching contribution." Thank you.

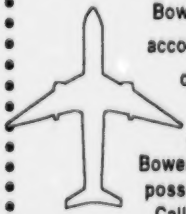
Affinity Cards Now Available

Supporters of NCCR can take out a Visa card, and every time they use it, NCCR receives a small fee. This is the result of an agreement NCCR has reached with MBNA America of Newark, Delaware, the bank that issues the cards. By now, all supporters of NCCR should have received a notice in the mail, letting them know of the availability of this VISA card.

Because the VISA card benefits an organization, in this case, NCCR, it is called an "affinity card." (affinity between the VISA card and an organization).

We appreciate the supporters of NCCR applying for and using this card. If you need more information, please contact NCCR.

VISA is a registered trademark.



Bowen Travel handles air accommodations for NCCR conferences. We can also handle your everyday air travel needs. Bowen Travel offers the lowest possible plane fares available. Call them at 1-800-330-2169.

Around the Country

Texas

Child Abuse Bill

The Texas legislature has passed a bill that would provide standards for conducting interviews of children suspected of being victims of child abuse. The bill, expected to be signed by the governor, also provides guidelines for continuing education for interviewers and investigators of child abuse.

H.B. 2252 provides that the Texas Department of Human Services shall adopt "standards for persons who investigate suspected child abuse at the state or local level ... the standards shall encourage professionalism and consistency in investigations of suspected child abuse ... the standards must provide for a minimum number of hours of annual professional training for interviewers and investigators of suspected child abuse."

A spokesperson for the Texas Children Rights Coalition (TCRC), which led the efforts to get the bill passed, praised the following persons, who either helped to write the bill, or provided letters of support:

- Joan Berlin Kelly, Ph.D., co-author of *Surviving the Break-Up*;
- Dr. Diane Schetky of Maine, chairperson of the American Academy of Child and Adolescent Psychiatry Committee on Rights and Legal Matters, Subcommittee for Evaluation of Child Sexual Abuse, Washington, D.C.;
- Shirley Hanson, professor, department of family nursing, Oregon Health Sciences Center;
- Professor Leroy Schultz of West

Virginia School of Social Work;

- Tom Oakland, Ph.D., director of the Learning Ability Center, University of Texas, and Chairman-elect of the Policy and Planning Board, American Psychological Association;
- Tom Prihoda, Ph.D., the University of Texas Health Sciences Center, San Antonio,;
- Dan Price, Esq., Austin, Texas; and
- NCCR.

TCRC thanks Representative Jim Rudd for his authorship of the bill in the House, and Sen. J. E. Buster Brown for his sponsorship of the bill in the Senate.

Minimum Access Law

TCRC also reports that S. B. 188, the Texas minimum access/visitation bill enacted in 1989, is working well, according to comments from judges and domestic relations officers.

The law establishes a rebuttable presumption that non-custodial parents receive a minimum of about 34 percent of the time on a year-round basis.

A judge may give more than that amount of time, but may not go below that, absent good reason, to be stated in writing.

(S.B. 188 was sponsored in 1989 by Sen. Brown, who received a "Healer" award from NCCR last year.)

Bills Available

H.B. 2252, and a model version of S.B. 188 (based on the Texas law) are available from NCCR for \$15.00 for

NCCR members, and \$20.00 for non-NCCR members. (If you only want one of the bills, the cost is \$7.50 for one bill for NCCR members, and \$10.00 for non-members. Specify which bill you want).

NCCR President David L. Levy praised TCRC, which is an affiliate of NCCR, "for hard work, coalition building, and political acumen in creating model bills for the nation."

Pennsylvania

Fathers of our Country Dinner

Dr. Robert Fay was the featured speaker at the annual "Fathers of our Country" Dinner sponsored by F.A.C.E. (Fathers and Children's Equality) in Philadelphia on February 16, 1991.

Dr. Fay, who filed the first court case to obtain his children's school records (see elsewhere in this issue) told the assembled group, which included a legislator and a judge, that emotional and psychological child support is just as important as financial child support. Fay, a pediatrician, said he has never seen a child without shoes walk into his office, but he has seen many children without fathers. Fay was introduced by NCCR President David L. Levy.

F.A.C.E. President Scott Hallman announced F.A.C.E. was honoring long-time activist George Doppler by naming a legislative award after him; the award for 1991 was presented to legislator George Saurman, who attended the dinner. Judge Allan J. Tereshko, court of common pleas, first judicial district of Pennsylvania, (Philadelphia), spoke about custody issues.

Levy spoke and asked Judge Tereshko to suggest that judges in Philadelphia give joint custody (shared parenting) at the pendente lite (initial order) stage of proceedings, because what is granted in the initial order is often "set in concrete" and becomes what is granted at the final custody hearing a year or two later. The judge, who is a non-custodial father, said he would pass along the suggestion.

NCCR Moves To New Office

NCCR has a new office, at 220 I Street N.E., just a block from our old office. We have the same zip code, and the same phone number.

We had to move because the building we occupied was sold.

Please address all mail to NCCR, 200 I Street N.E., Suite 230, Washington, D.C. 20002.

Mail sent to our old address will

be forwarded by the Post Office. Our new office is across the street from the famous Children's Museum, near Union Station, on Capitol Hill, a few blocks from Congress.

For our new office, we need a computer, fax and xerox machines. If you would like to donate them, or funds for NCCR to purchase them, your contribution is tax-deductible.

In the State Courts

Custodial Interference Does Not Require Court Order

A person can commit the crime of custodial interference even if there is no court order in effect awarding custody to the other parent, the New York Supreme Court Appellate Division has ruled. Custodial interference requires that the child be under 16 and that the person who removes the child has no legal right to do so, the court said. Although an order establishing custody is useful in establishing a legal right, "it is not an essential element to a prosecution," the court commented. In the case before it, the court said, it was enough for the father to have stated in court that the mother (pending resolution of the custody determination) would have exclusive physical custody of the child, to support the father's indictment for custodial interference following his abduction of the child to Santo Domingo.

New York v. Morel, NY AppDiv 2d Dept. No. 1418E, 2/11/91

Welfare Costs Reimbursable

A non-custodial father must reimburse a welfare agency in the state of Washington for payments the welfare agency made to the mother of his children, even though an Arizona court said he didn't have to pay child support while the mother was denying his visitation (access), the Arizona Court of Appeals has ruled. The Court of Appeals said that, although the father didn't have to pay the mother, he did have to reimburse the Washington welfare agency for payments it made to the mother under the Aid to Families with Dependent Children (AFDC) program. The mother, who was not married to the father, left Arizona with the children in 1978. She did not tell the father where she was going, but left word that she would not accept any more financial child support payments from him. She applied for AFDC

assistance in Washington in 1984, and assigned her rights to collect financial child support to the state. In 1986, an Arizona court said the mother had failed to comply with a visitation (access) order, and abated the father's support obligations. In 1988, Washington sought reimbursement of the AFDC payments from the father. The Arizona Court of Appeals said that suspension of the mother's right to receive financial child support did not affect the right of the state of Washington to seek reimbursement of the AFDC payments from the father.

Washington (Underwood) v. Young; Ariz. CtApp, No. 1CA-CV 89-334; 2/21/91, released 3/27/91

College Expenses Can be Ordered

A non-custodial parent's constitutional rights to due process and equal protection under the law are not violated by an Indiana law that imposes duties on him in relation to his children that are not imposed on married parents, the Indiana Court of Appeals, Second District, has decided. The father's argument was that married parents may decide not to pay their children's college expenses, but Indiana law does not allow divorced parents this freedom.

However, the Indiana Court of Appeals said that, although Indiana courts have not ruled on this issue, the supreme courts of both Illinois and Washington have considered the matter and arrived at the conclusion that "a rational relationship exists between the statute and the compelling state interest in seeing that children are properly provided for within the boundaries of the needs of the children and what the parents can afford."

Neudecker v. Neudecker; Ind CtApp 2nd dist, No. 79A02-8912-CV-649, 2/13/91

Jurisdiction Under the UCCJA

The Florida Supreme Court has ruled that Florida courts have continuing jurisdiction under the Uniform Child Custody Jurisdiction Act (UCCJA) to modify a custody decree even where Florida is no longer the "home state" of the children, but their non-custodial mother remains a resident of the state.

The high court rejected the appeals court determination that the trial court had lost authority over the dispute because the children had been living outside the state for more than six months before the date when the mother filed her modification petition.

Instead, it agreed with courts from other jurisdictions it found have uniformly ruled that jurisdiction validly acquired under the UCCJA is not lost until the state has lost minimum contacts with the dispute, or the federal Parental Kidnapping Prevention Act (PKPA) or an applicable state statute terminates jurisdiction.

Yurgel v. Yurgel, Fla. SupCt. No. 74610, 11/1/90.

Hague Convention Requires Return of Child

A New York trial court found that a mother had wrongfully left Canada with her children. The trial court had ordered that the father be permitted to take the children back to Toronto.

The New York Supreme Court, Appellate Division, Second Department, said the mother was not entitled to a stay of this order for return of the children to Canada. Nor, the court said, was she entitled to a hearing on custody and access (visitation). Thus, the New York court enforced the Hague Convention on the Civil Aspects of International Child Abduction by honoring a Canadian decree.

In re Schnier, NY AppDiv 2d Dept.

See State Court page 14

Research as if Children Mattered

What we can do about misleading research on children

By Anna Keller, vice president of NCCR,
and Dan Gold, NCCR researcher

In 1990, an Ohio-based group called the Association for Children for Enforcement of Support (ACES) publicly quoted from an unnamed new study which seemed to show fathers' involvement with their children after divorce has either no effect or possibly a negative effect on these children.

In August, 1990, a University of Wisconsin sociologist, Judith Seltzer, gave a paper at the annual meeting of the American Sociological Association. In this paper, Seltzer made reference to the fact that University of Pennsylvania sociologist Frank Furstenberg had "shown" that paternal involvement with children after divorce has "no effect" on those children.

NCCR's vice-president Anna Keller, who was at this meeting, found Seltzer's reference both chilling and puzzling. No research that NCCR had yet seen had led to similar conclusions. If these findings were valid, surely they would begin to dissolve the very foundation upon which NCCR is based: the theory that the active presence of two parents in each child's life is of positive value to that child.

The research for the source of both the ACES's comments and the Furstenberg reference by Seltzer led to the same source: a 1987 "Research Note" published in the American Sociological Review (October, pp. 695-701), entitled "Paternal participation and children's well-being after marital dissolution" by Frank Furstenberg. The abstract of this article reads:

"Using a nationally representative sample of children aged 11-16 who had experienced their parents' marital dissolution, we examine the influence of paternal involvement on the child's well-being. For measures of academic difficulty, problem behavior, and psychological distress,



Joan Berlin Kelly

there is little evidence that paternal involvement had either harmful or beneficial effects. Paternal economic support reduced somewhat the likelihood of problem behavior. Frequency of visitation and closeness of relationship to father showed no consistent influence on the available measures of child well-being."

NCCR's researchers have examined Furstenberg's article in order to discover how he arrived at these findings. We have tried to find out if or how his findings fit in with the other research with which we are familiar. Our conclusions, which we feel are important to pass on to NCCR supporters and friends, are the following:

1. Furstenberg's data is not a test of the theory that paternal involvement promotes child well-being;
2. Furstenberg's evidence can support several different and opposing conclusions, including the conclusion that children benefit from their fathers' involvement only when they see them much more than the norm;
3. Furstenberg's conclusions are not supported by prior research;
4. Furstenberg presents his theory that paternal involvement doesn't

affect children as though it were evidence;

5. While submitting his data is inconclusive, Furstenberg strongly suggests that public policies should be changed to fit this theory.

Let us now examine each of these conclusions, before turning to the question of how NCCR can best respond to the claims of this research.

1. *Furstenberg's data is not a test of the theory that paternal involvement promotes child well-being.*

In fact, Furstenberg has no data that tests his theory that paternal involvement promotes child well-being. As Furstenberg admits, he did not construct his sample so that he could identify any cases where fathers were significantly involved in their children's lives. (The "high contact" children in Furstenberg's sample saw their fathers 24 days or more per year; this is about one third of the time accorded to fathers with "liberal" visitation). Any findings he could make on this sample can therefore only reflect on children whose fathers are not involved in their lives.

Furstenberg admits this "possibility":

"(T)he level of paternal contact is so low in this national sample that there may be too few cases in the high-contact categories to produce statistically significant results ... (W)e say little about the potential impact of truly involved fathers — those men who are deeply involved in raising their children. It remains for future research to explore this possibility," (p. 699).

Continued on next page

As he also admits, Furstenberg's data does not, in fact, measure positive effects of parental contact on children, but only negative effects (or their absence). As he says, he does not measure "well-being" of children, but rather their "ill-being," delinquency, loneliness, distress, poor academic progress (p. 696). His study includes no positive indices of well-being. (Even these negative indices are of questionable value: Furstenberg claims that his indices of "ill-being" are reliable, but provides no data on their validity.)

Is our society prepared to condition our support of father-child relationships on someone showing that a child without adequate paternal contact will destroy school property? Does the fact that a child who is reasonably happy and abides within the law mean that they might not benefit in ways Furstenberg has not measured from expansive contact with their fathers?

2. *Furstenberg's evidence can support several different and opposing conclusions, including the conclusion that children benefit from their fathers' involvement only when they see them much more than the norm.*

Most damaging to his theory is the fact that if a similar study were conducted of children who saw their mothers only 24 days a year over a period of years, any strong effects of the mothers on the children's academic achievement, delinquency, or general emotional state might be hard to isolate. According to Furstenberg's logic, if such a study were done, it would provide "important" new evidence that the importance of the mothers in their children's lives has been vastly overrated by prior research.

Second, instead of surmising that paternal contact with



Geoffrey Greif

children after divorce is of "surprisingly" little consequence to children, Furstenberg could have, on the basis of his study, surmised that for a father to have a beneficial effect on his children after divorce, he must have contact with his children exceeding the 24 days per year that Furstenberg set as his threshold for extensive contact.

This interpretation would fit far better with the available clinical evidence that suggests that children with expansive contact with both parents after divorce enjoy greater well-being than those who do not.

Third, although Furstenberg's findings are admittedly inconclusive and probably based on inadequate data, he portrays this absence of evidence as a refutation of the theory that fathers' involvement benefits their children. He finds "little evidence" of good or bad effects of paternal contact: "paternal contact is unrelated to a variety of well-being measures ..." (p. 807); "We found no evidence for any ... interactions. In short, we have been unable to specify a set of conditions in which the quality of a child's relationship to his or her outside father seems to matter." (p. 698). And so on.

At every point Furstenberg

manages a Midas-like transformation of non-findings and "weak evidence" into "a piece of evidence — we think an important piece" (p. 700) supporting the theory that fathers really don't matter:

"The weak effects of paternal contact and closeness suggest that the emotional significance of paternal participation may be overstated in much of the current policy deliberations about family relations after divorce. Could it be, as some have suggested (McLanahan 1985) that fathers' main influence is through their economic contributions?" (698).

Or could it be that 24 days of contact per year over many years (the children surveyed were aged 11-16) is not enough to sustain a vital, influential father-child relationship?

Furstenberg's own prior research points to the phenomenon of attenuated relationships between noncustodial fathers and their children with the passage of years (Furstenberg and Nord, 1985, "Parenting Apart: Patterns of childrearing after the marital disruption," *Journal of Marriage and the Family*, November, 1985, 893-904) and Furstenberg, Nord, Petersdon, and Zill, 1983, "The life course of children of divorce: Marital disruption and parental contact," *American Sociological Review*, October 1983, 686-668).

3. *Furstenberg's conclusions are not supported by prior research.*

How does Furstenberg reconcile his data and theory with available research theory? First, he cites only three well-known studies rather than reviewing all the available literature on the effect of paternal contact on the well-being of children of divorce. The three studies he cites (Wallerstein and Kelly, 1980;

Continued on next page

Hetherington, Cox, and Cox, 1978, 1979; Hess and Camara, 1979) he faults as being "suggestive (but) their small and unrepresentative samples cast doubt on their conclusiveness," (p. 696).

He also points out that the complex interaction of different variables present in these studies makes establishing a causal relationship between two variables difficult: "If such a variety of causal sequences exists, the association between paternal contact and child well-being might in fact be very slight," (p. 696).

The fact that his own sample is too small and its representativeness very questionable for the key variable of paternal involvement does not appear to cast as long a shadow of doubt over his own study with its "very important" findings. Yet he calls his own measure of child well-being "crude" (p. 699), and his study no more takes account of longitudinal data or the complex interaction of variables over time than the clinical studies he criticizes.

In short, he handles the contradictions between his own findings and earlier studies by subjecting his own research to a lower standard than he demands from the several clinical studies which have all reached opposite conclusions.

He also manages the countervailing evidence (as we have implied above) by ignoring all but the three best known clinical studies in this area. Yet a thorough literature review, looking for research developments since the "big three" would have uncovered research corroborating the earlier clinical studies at very turn: Lublin, Colarossi, Greif, Kelly, Pojman, Bowman and Ahrons, Shybunko, Bobino, Framo, Kornfein, Palen, Shiller. These studies consistently show that when you compare children

who have expansive contact with their fathers (generally structured via joint custody) to children with little paternal contact, the high-contact children do better on virtually all measures (especially the boys).

Further, he ignores evidence even in the "big three" studies with which he is supposedly familiar when he hypothesizes that "regular contact between the child and the nonresidential father may, in many cases, increase conflict between ex-spouses, which could adversely affect the child." (p. 696). Hess and Camara's research which he cites (1979) explicitly tested, and rejected, this hypothesis; Hess and Camara's findings on this point have since been corroborated by Shybunko (1986) and Bowman and Ahrons (1985).

He also ignores the rich available literature on the importance of the father to child development in intact families, as though this evidence were irrelevant to children of divorce.

A recent paper by Koestner et al (1990 — too recent for Furstenberg to have known about at the time of this paper), based on a 26-year longitudinal study found for example that:

"The influence of paternal involvement in child care on later empathic concern (the capacity of a child to feel empathy for others) was quite astonishing ... At a minimum, the strength of these results supports the recent emphasis on the importance of considering fathers' contribution to child development." (p. 713).

4. *Furstenberg presents a theory — that involvement doesn't affect children — as though it were evidence.*

Many scientists before Furstenberg have conflated theory and evidence. Deanna Kuhn, writing on this problem in the sciences, concludes that it is a difficult thing for researchers to maintain suffi-

cient distance between what they believe (theory) and what they observe (evidence). Furstenberg is only one of many scientists, we believe, who has slipped into this pitfall.

It appears, from a close reading of Furstenberg's work over the last five or ten years, that Furstenberg has acquired very specific theories about divorced fathers that he has, we believe, begun to conflate with his evidence.

5. *While admitting his data is inconclusive, Furstenberg strongly suggests that public policies should be changed to fit this theory.*

Furstenberg represents his research as producing results which should be used in shaping new public policies on father-child contact after divorce, while suggesting that policies encouraging such contact are misguided and without scientific basis:

"The policy implications of findings reported here are unsettling because they clash with prevailing practice that attempts to increase paternal involvement. (NCCR would be happy if that were the "prevailing practice!") On the basis of our study, we see no strong evidence that children will benefit from the judicial or legislative interventions that have been designed to promote paternal participation, apart from providing economic support." (pp. 699-700).

He deftly weaves caveats:

"It would be premature to conclude that paternal contact has no or little influence ... This topic surely merits more careful attention by researchers ... " (p. 700) with alluring pronouncements about the policy implications of his "findings":

"Our findings are ... an im-

Continued on next page

portance piece of evidence that should be considered ... It is disconcerting to discover weak evidence for an almost commonplace assumption in popular and professional thinking — that children in disrupted families will do better when they maintain frequent contact with their fathers.

"In the absence of better and more continuing evidence, policy makers rely on conventional wisdom that is, unfortunately, an unreliable guide for social reform." (p. 700)

The message that gets through is clear: Don't be fooled by all those old studies and prejudices. I offer you new and surprising insights into things you never understood until now.

This rhetorical ploy fits uncannily with what Carol Weiss (1977) has called the most important role to policymakers of social sciences knowledge: the role of "enlightenment".

Weiss found that the most influential social science research makes policy makers see old issues in new ways, challenges the status quo and suggests the need for change. Policy makers most open to such research often find that it confirms things they had always suspected but for which they never before had evidence.

The irony (and in our view the tragedy) of Furstenberg's rhetorical ploy is that what Furstenberg is providing to policy makers is not enlightenment, but "evidence" confirming all the old prejudices against divorced fathers, confirming traditional division of family responsibilities, confirming traditional sex roles, all to the detriment of children whose needs are amply and responsibly documented, by other research, as lying in the opposite direction.

What NCCR can do about misleading research on children:

Having said all this, why should it matter to NCCR if a social scientist publishes research like Furstenberg's? The phenomena of misleading research and research of poor quality are well-known in all the sciences; why should Furstenberg be singled out for our attention?

Part of the answer is that Furstenberg is a respected, prolific, widely-published, and well-funded scholar, with important ties throughout the family research community. Furstenberg is someone whose work other people read, and whose work other people cite. Seltzer's remark at the sociologist's meeting, or ACES' letter to legislators, are cases in point.

Another part of the answer is that this particular study by Furstenberg is just one piece of a larger puzzle. Furstenberg is one of a loose coterie of like-minded researchers, among them the aforementioned Seltzer, Sara McLanahan, and Irwin Garfinkel.

These researchers work with the same data (the National Survey of Children, for example), they co-author articles together, they cite each other freely and seem to be sharing the same research agenda.

Judith Seltzer, for example, has picked up on the concern expressed by Furstenberg that contact with their divorced fathers is actually bad for children because it increases their exposure to parental conflict. (Seltzer's latest work, reviewed by NCCR's Keller at the NCCR 1990 annual conference explores this possibility.)

Despite paying occasional lip service to the notion that divorced fathers should be involved with their children, the unstated but pervasive theme of their work is that fathers neglect their children after divorce and that the well-being of children and mothers after divorce is directly related to the amount of money paid them in the form of financial child support.

They do not seem to be sensitive to the fact that divorced fathers often function under legal constraints that

deliberately relegate them to the status of visitors in their children's lives. For example, in a 1983 study, Furstenberg identifies three main determinants of father-child contact after divorce — and none of these factors is custodial status ("The life course of children of divorce; Marital disruption and parental contact," *American Sociological Review*, October 1983, 656-668).

What can NCCR do to counteract the impact of Furstenberg (and friends') research? NCCR suggests several steps. The first, and most important step is to educate yourself, and others who care about children, to recognize that Furstenberg's work is flawed, apparently prejudiced, and at least short-sighted. There is ample countervailing evidence, much of it reviewed in NCCR's publications on joint custody and access (visitation), with which NCCR supporters should be familiar.

Second, NCCR researchers plan to ask other researchers in the field to review Furstenberg's research and provide us with their opinions as to its validity. If it appears that NCCR's analysis is corroborated widely by other respected researchers, we can proceed with conveying our concerns to those who control and distribute public funding for research, that public money should not continue to be used to fund projects and studies that do not meet a higher standard of professionalism and responsibility.

We look forward to keeping you posted about these efforts and about any response we might get either from Professor Furstenberg or any other researchers in this field.

(Complete references are available from NCCR upon request).

Legal Help

If your case is on appeal, and involves a broad legal principle (such as joint custody/shared parenting, parental kidnapping, or the fairness of some domestic relations law or procedure), NCCR may be able to file an *amicus curiae* (Friend of the Court) brief, as we have done in other appeal cases.

Evaluation of Child Access Projects

NCCR has obtained, under a Freedom of Information (FOIA) request, a copy of the 1990 winning proposal for the evaluation of the child access demonstration projects.

The U.S. Department of Health and Human Services allocated \$500,000 for the evaluation out of the \$1.4 million in funds allocated for the access grants last year.

The winning proposal for the evaluation was submitted by Policy Studies, Inc. of Denver, Colorado,

headed by Robert G. Williams. In the proposal, Policy Studies, Inc. said it will prepare the evaluation in cooperation with the Center for Policy Research in Denver, one of whose major researchers is Nancy Thoennes. The American Bar Association's Center on Children and the Law in Washington, D.C. is also listed as a participant in the evaluation.

The 200-page evaluation proposal is interesting reading for anyone interested in the access grants, and is

available from NCCR for \$20.00 for NCCR members, to cover photocopying, handling and mailing. The cost for non-members of NCCR is \$25.00.

NCCR previously received, under a Freedom of Information Request, copies of the winning grant applications for 1990 from Florida, Indiana and Idaho. As previously offered, these reports are available for \$10.00 each for members of NCCR, and \$12.00 for non-members.

48 Hours Special Shows Struggle of Father-Child Relationship After Divorce

CBS's long awaited story depicting fathers who are struggling to remain a part of their children's lives, was part of a two-hour 48 Hours special on "Love, Marriage and Divorce," May 22.

Sonny Burmeister, of Fathers Are Parents Too, who was featured on the segment, told the national TV audience that for every one father who is a

deadbeat, three fathers are struggling to maintain closer ties with their children.

Indeed, the parents depicted on the show who cannot maintain close enough ties with their children, were shown as very caring, loving parents.

The segment featured instances of judges allowing custodial parents to leave the state with their children, for

little or no reason, compounding the disruption caused by the divorce.

In NCCR's view, the segment was one of the most dramatic, honest appraisals of the problems of access of children and their non-custodial parents ever seen on national TV. We would want mothers shown in the same positive way, as well.

Inside NCCR

NCCR is pleased to announce that Ed Mudrak is our new director of information services.

Donna and Chuck Stewart, who live in Denver, Colorado, but who help with our conferences, have been named Conference Registration Coordinator, and Conference Book Store Manager, respectively.

John Prior, former NCCR director of information services, is no longer with NCCR. We thank him for his substantial contributions to our organization's development.



New Offerings from NCCR's Catalog

NCCR is offering several new items, in its 16-page, 65-item, 1991 Catalog of Resources. The new items include:

The Sensible Approach to Divorce is a 45-minute video tape used by the highly successful Wyandotte County, Kansas City, Kansas pre-court trial services. Offers do's and don'ts and tips for parents who are divorcing. Part of the proceeds from the sale of this video go to Wyandotte County. \$40.00 for members of NCCR, \$50.00 for non-members.

Parent vs. Parent, by Stephen P. Herman, M.D., a child and adolescent psychiatrist. Offers parents expert and supportive advice through all stages of custody disputes. 240 pages, published in 1990. \$19.00 for members, \$21 for non-members.

The Not So Wicked Stepmother, by Lizi Boyd, for kids 3 to 8. Pictures with explanatory text. "For parents or children experiencing the traumas of divorce, this is a choice bit of reading"—School Library Journal. 50 pages, published in 1989. \$4.00.

To order these or other books, write to Deanne Mechling, Director of Publications, NCCR Books, P.O. 5568, Friendship Station, Washington, D.C. 20016. NCCR members deduct 10 percent. (Membership is \$35.00 a year). Enclose check or money order, or Visa or MC information, plus shipping cost of \$2.00 for first item ordered, and \$.50 each additional item.

Upon request, a catalog will be sent free to NCCR members (non-members please enclose \$1.00).

Dads Important for Children of Teen Moms

The role of fathers in the development of children born to teenage mothers has been sorely neglected, according to research presented at a conference held at Case Western Reserve University on March 2, 1990. The conference was designed to study the impact of poverty on children.

Although the developmental literature on families of older childbearers indicates that fathers play an important role in their children's psychological development, few scholars have investigated the impact of fathers on the development of children born to teenage mothers, said researchers F. Lindsay Chase-Lansdale of the University of Chicago and the George Washington University Medical Center, and Jeanne Brooks-Gunn of the Educational Testing Service.

One study indicates that fathers' practical and emotional support to teenage mothers was related to the mothers' responsive caretaking of infants, the researchers said, but there is no nationally representative studies of father involvement in these children's lives. They called for such research to be conducted.

The relatively recent interest on the part of developmental researchers in studying fathers in general was responsible for the paucity of research in this area, they said, as well as the high rate of nonmarital childrearing among teenagers.

The researchers noted that the majority of teenage mothers raise their children without economic assistance

from the fathers, suggesting a connection between poverty of teenage mothers and lack of involvement by fathers.

The conference at Case Western Reserve University was part of the Armington Program for the Study of Values in Children.

NCCR note: At NCCR's 1989 NCCR conference, Jim Levine of the Bank Street College of Education said there were three stages regarding the involvement of fathers with their children: the first was when the research on fathers was first begun, the second stage is when fathers are understood to be as necessary for healthy child development as mothers, and the third stage is when a child will ask a parent, was there ever a time when fathers were not considered as important for children as mothers?

The first stage began in the 1970's, when Michael Lamb became the first noted researcher to break the mold of only researching the role of mothers in child development, and began to include fathers in his research. Many researchers have since followed suit.

We are now in the second stage, said Levine. That is, there is a growing awareness that fathers are as necessary for healthy child development as mothers.

How quickly we get to the third stage depends on how long a time we spend in the second stage. Because the U.S. is still fixated on the value of fathers only as financial providers (especially in divorce), NCCR believes the U.S. is still a good distance from the third stage.

State Court

Continued from page 8.

NYLJ 2/27/91; affirming 17 FLR 2001).

Legal Fees Not Due in Kidnapping Case

The Pennsylvania Superior Court has upheld a lower court's ruling that a non-custodial mother who removed the children from Pennsylvania to Louisiana had to pay the father for his costs in retrieving the children.

However, the Superior Court said the lower court was wrong in saying that the mother also should pay the father's legal fees. The father spent \$3,800 in travel and investigators' fees as a result of the mother's abduction of the children.

State law provides for restitution of these costs, the court said. However, the general principle is that legal fees

are not reimbursable, the court said, and so the mother could not be required to pay nearly \$8,000 in legal fees incurred by the father in retrieving the children.

Pennsylvania v. Harner (Williamson); Pa SuperCt, No. 00298 Harrisburg 1990, 2/25/91

Child Support Can be Ordered Against Estate

Child support does not necessarily terminate on the death of the non-custodial parent, the West Virginia Supreme Court of Appeals has decided. Courts are able to impose it as a lien against a deceased payor's estate where compelling equitable considerations are present, the Supreme Court of Appeals said. In the case before it, the court was faced with a situation where the non-custodial father was murdered by his second wife's paramour during

a confrontation between the two.

The court said that generally (financial) child support obligations terminate on the death of the obligated parent, but state law gives trial courts broad authority to modify child support orders to protect children's best interests.

Scott v. Estate of Wagoner, WV SupCtApp. No. 19527; 12/12/90, released 1/17/91.

These summaries are based on cases reviewed in the Family Law Reporter, and appear here by permission of the publisher, The Bureau of National Affairs, Inc.



Please support our
advertisers. Thank you.

Card Numbers Issued for NCCR Reports

The Library of Congress has issued Catalog Card Numbers for all of NCCR's written reports. The Catalog Card System is a unique numbering system that facilitates identifying and cataloging of works by libraries around the country. Each number carries with it a summary of the report. Please suggest to your local library that they

order NCCR reports, so they will be available for readers and researchers. The reports are listed in NCCR's Catalog of Resources, which we will be glad to send free to libraries (the 16-page catalog also lists books, gifts for children and audio/video cassettes). The catalog is free to NCCR members; \$1.00 for non-members.

NCCR Report Number	Title	Catalog Card Number
R101	Crisis in Family Law	89-213735
R102	The Case for Joint Custody	90-100226
R103A	Synopses of Sole & Joint Custody Studies	89-212917
R104	NCCR Report to Child Support Commissions	89-213748
R105A	Access (Visitation) Report	90-100194
R106	Joint Custody Model Agreements	89-213746
R107	Anti-Kidnapping & Anti-Removal Report	89-213069
R108	60 Rapid Fire Points in Favor of Joint Custody	89-213527
R109	Joint Custody as a Fundamental Constitutional Right	90-100173
R110	Banana Splits School Based Program	89-213553
R112	Strengthening Families Through Joint Custody Mediation and Visitation Enforcement	89-213014
R113	Parenting Agreement	89-213007
R114	Implementing the President's Executive Order on the Family	89-213020
R115	Child Support Policy and Guidelines	90-100341
R116	Interference with Access (Visitation) as a Tort	90-100343
R117	Survey of Absent Parents Pilot Results	90-101329
R118	Parent-Child Access After Divorce: A Review of Research	89-64183
B101	Model Joint Custody Bill	89-213047
L101	Friend of Court Briefs in Support of Visitation Enforcement	89-213037
L102A	Joint Custody Trial Briefs	89-213027
L103	Briefs in Support of Parental Kidnapping Prevention Act	89-213022
L104	Challenging Washington D.C. Child Support Guideline	89-213057

NCCR Quoted in Media

NCCR has been quoted extensively in the media in the past several months. A column by Washington Post columnist William Raspberry on March 20 (syndicated to about 100 newspapers) was devoted solely to NCCR. It is the first nationally syndicated column written exclusively about our organization and its views. A column by Washington Times columnist Suzanne Fields on March 21 in which NCCR was mentioned together with HHS Secretary William Sullivan for their concerns was also distributed to 100 newspapers in which Fields appears. (Sullivan has spoken of the need for the US to return to a "culture of character" in which family and parenting is emphasized).

NCCR also discussed the "poster campaign" in which parents "most wanted" for financial child support have their pictures distributed nationally. In *U.S.A. Today*, on *CBS This Morning*, Cable News Network (CNN), and a host of radio shows, including *Newstalk* (7 stations), *WDJC* (Birmingham), *WKOX* (Denver), and *WNTR* (Washington, D.C.), NCCR president David L. Levy expressed concern for children whose parents are handcuffed or held up to national ridicule.

He argued that although it is the responsibility of every parent to financially and emotionally support their children, a program which emphasizes parenting will not only improve parenting for children, but produce more financial support.

Child Support Analysis

For presenting your own case in court (Strictly confidential) or for presenting to your legislature. Includes proposals for equitable results in a variety of situations. Laser quality data and graphs.

Sharp Data

When you want to make a POINT!

Fred Tubbs (802) 223-0873

RFD 1 box 284A

East Montpelier VT 05651

Serving all 50 states.

Non-Custodial Parents Entitled to School Records

In our Fall, 1990 issue, we described the Federal Education Rights and Privacy Act, commonly known as FERPA (also known as the Buckley Amendment), that defines who has access to the school record. The school record is available to parents and anyone else "in parental relation" to the child. In this issue, we describe the 7-year efforts of Dr. Robert Fay, a pediatrician in New York, who was the first person known to have sued under FERPA.

In 1978, Dr. Robert Fay came home one night to find his children gone—they had been taken by the mother to Albany, some 80 miles away. The children at that time were 8 and 3.

Six weeks later, because Fay was the children's pediatrician (not because he was their father) a school in Albany asked Fay for medical shot records for his daughter.

Dr. Fay sent complete information, and enclosed a note asking the school to please send him a duplicate report card for his daughter, who was then in the third grade. This request was ignored by the school.

In the ensuing two to three years, there was a custody battle between Fay and his ex-wife, so the school problem was not pursued.

After two or three years, Fay wrote to the principal, school board, and school superintendent, saying he was a joint custody parent, and wanted school records sent to him for both children, who were then in the public schools. He enclosed postage and envelopes.

The school superintendent responded that communication between schools and "parents" was highly regulated and in effect they would not comply.

More letters back and forth ensued, then Fay appealed to the New York State Commissioner of Education, who ruled that sending duplicate copies to Fay would represent an un-

reasonable burden on the school district.

Fay appealed to the local county court in Albany. That judge ruled that he could only overrule a superintendent if the superintendent was "arbitrary, unreasonable or capricious." which the judge said he had not been.

Fay, with the help of an attorney, appealed to the U.S. District Court, claiming his FERPA rights, his constitutional rights to parent, and his children's constitutional rights to be parented, were being violated. The court ruled that Fay's FERPA rights and his joint custody rights had been violated, and all school records had to be sent from the school to Fay, but finding no constitutional violations. Fay was also awarded \$1 in money damages.

Fay appealed. The appeals court affirmed the FERPA violation, and dismissed the ruling that Fay's joint custody rights had been violated only because the federal appeals judge said a federal district judge can't make a ruling on New York state law. Fay believes his case, Fay versus Fay, CA 2 85-9009 and 85-9033, can be cited in New York and in other states. The judge said Fay was entitled to a trial on damages.

The school made a monetary offer and the case was settled, with the understanding that Fay could never reveal the amount, and the school admitted no guilt.

Non-custodial parents have the assertive right to receive school records from any public school. When a school violates such rights, Fay says a non-custodial parent has the right to sue not only to get the records, but for monetary damages, to recover for severe inconvenience and emotional stress.

A joint custodial parent has more rights, believes Fay, and can sue a school district for violation of joint custody as well as FERPA rights.

If you wish to reach Dr. Fay, he is at 50 Lincoln Avenue, Albany, NY 12205, phone (518) 452-1710.



Interstate Access Commission in Works

The offices of Sen. Charles Grassley (R-IA) and Sen. David Durenberger are now at work, in consultation with NCCR and others, on the draft of new legislation to create a national access/visitation commission.



Sen. Grassley

This effort is now possible because, as reported in an insert sheet in our Winter, 1990/91 newsletter, Senator Tom Bradley (D-NJ), withdrew

his opposition to creation of such a commission.

Bradley's opposition to such a commission in 1988 effectively prohibited the commission's establishment as part of the Family Support Act.



We thank Sen. Durenberger the New Jersey Council for Children's Rights and NCCR supporters around the country who sent many letters to Sen. Bradley, urging him to not oppose the creation of such a commission.



CHECK IT OUT! For a rate card, write: NCCR Ads, NextStep Publications
1485 3rd, Astoria, OR 97103
Or call (503) 325-8828

Public TV Focuses on Children

Public Television is focusing its programming during 1991 on youth and families, with special emphasis on the problems they face. Public Television is a consortium of more than 370 public television stations across the country.

The theme of the year long programs is "The Family: All Together Now."

The first program, which was to have aired on January 15, 1991, but which had to be delayed, ironically,

because that was the start of the Persian Gulf war, was shown instead in early April. Hosted by Bill Moyers, it focused on programs in various communities that help children and families who are in trouble.

The second program, "Cool Moves," which aired May 1, focused on teens who are taking charge of their lives, and doing extraordinary things to make a difference. It was narrated by Malcolm-Jamal Warner of the Cosby Show.

Other shows on children and families will be featured during the year.

The National Council for Children's Rights is one of more than 25 national organizations supporting PBS's year long programs on the family. The supporting organizations are listed in materials distributed by Public Television.

NCCR staff, including our interns, have been invited to pre-screenings of the various TV programs, and we have contributed our suggestions.

NCCR Chapters

People sometimes ask why NCCR is forming chapters. We need a chapter in each state, in order to assist the citizens of each state with that state's unique laws. Custody reform is primarily handled on the state level, although Congress is entering the field more and more. Problems cross state lines. What happens in one state or in Congress affects all of us. We must have a strong national organization, with strong state organizations, to have greater effect on public policy.

If you are part of a national network, you will generally get a better reception than a group that is limited to one state or community.

Coordinators of our state chapters

maintain contact by mail exchange and cross-country telephone conference calls between the chapters and NCCR national. In this way, chapters can benefit from each other and do not have to constantly "re-invent the wheel".

New chapters of NCCR have recently been formed in Maryland and Ontario, Canada. Anna D'Angolia and Harvey Walden are co-coordinators in Maryland. Richard C. MacCourt is co-ordinator in Canada. Canada represents NCCR's first chapter in a foreign country, and was approved by NCCR National and by our existing chapters.

This makes 11 states and one foreign country where NCCR now has chapters. If you live in a state where there is an NCCR chapter, we urge you to join the chapter. In this way, you will

be networking work with a chapter and national NCCR to reform custody law and attitudes around the country. By becoming a member of the chapter, you also become a member of National NCCR.

If you would like to learn if a chapter is forming in your state, or if you would like to form a chapter in your own state or community, write to NCCR for our Affiliation Booklet.

This 37-page booklet explains everything you want to know about affiliation.

After reviewing the booklet, write to Eric Anderson of Texas, NCCR chapter coordinator, for further information. Eric's address is listed below.

Note: NCCR's name is protected by federal trademark law.

Chapters

Alaska

Alaska Dads and Moms
5974 North Street
Juneau, Alaska 99801-9711
(907) 780-4684
Sandra Armstrong,
NCCR state coordinator

Jim Arnesen, president
Alaska Family Support Group
1800 Shore Drive
Anchorage, AK 99515
(907) 344-7707

Tracy Driskill,
Second Wives and Children
P.O. Box 875731
Wassile, AK 99687-5731
(907) 376-1445

Connecticut

Connecticut NCCR chapter
P.O. Box 511
Farmington, CT 06034
Michael Glanovsky, coordinator

Florida

Florida NCCR chapter
113 W. Tara Lakes Drive
Boynton Beach, Florida 33436
(407) 369-3467
Piotr Blass, coordinator

mid-Florida chapter

Barbara Walker-Seaman
353 N. Central Avenue
Oviedo, Florida 32765-6307
(407) 365-7812

Georgia

Georgia Council for Children's Rights
P.O. Box 70486
Marietta, GA 30007-0486
(404) 591-7772
Sonny Burmeister, coordinator

Indiana

Indiana Council for Children's Rights
9405 Kleinman Road, 9th floor
Highland, IN 46322-3027
(317) 925-5433
David Garrod, Ph.D., coordinator

Maryland

NCCR Maryland chapter

417 Pershing Dr.
Silver Spring, MD 20910
(301) 588-0262
Harvey Walden and Anna B.
D'Angolia, co-coordinators

New Jersey

New Jersey Council for Children's
Rights (NJCCR)
P.O. Box 615
Wayne, NJ 07470-0615
(201) 694-9323
Bruce Gillman, president

Ohio

Coalition of Parental Rights
Associations (CAPRA)
227 S. Roanoke Avenue
Youngstown, OH 44515-3548
(216) 799-9787
Andy Cvercko, president

Texas

Texas Children's Rights Coalition
12103 Scribe Drive
Austin, Texas 78759-3132
(512) 836-6621
Eric Anderson, coordinator

Vermont

Vermonters for Strong Families
RR 1, Box 284A
E. Montpelier, VT 05651-9801
Fred Tubbs, President
(802) 223-0873

Virginia

Fathers United for Equal Rights and
Women's Coalition
P.O. Box 1323
Arlington, VA 22210-1323
(703) 451-8580
Paul Robinson, president

Family Mediation of Greater
Washington
10300 Eaton Road
Fairfax, VA 22030
(703) 522-7628

Canada

Canadian chapter of the National
Council for Children's Rights
264 King Street
Peterborough, Ontario, Canada K9J-
252
Richard C. MacCourt, coordinator

The Importance of Networking

NCCR actively pursues networking — meeting with people and organizations who share all or part of our views. These groups are liberals and conservatives, of both political parties.

Some examples are:

The Rainbow Coalition



Jesse Jackson

The Reverend Jesse Jackson's Rainbow Coalition organized an anti-gun coalition, with whom NCCR met several times.

The anti-gun coalition, formed in late 1990, supported various gun control measures. They met with success, when the House of Representatives passed the Brady bill, which requires a seven-day waiting period before purchase of a gun.

Although NCCR is not directly involved in gun control issues, we pointed out at the meetings that gun-control, though important, is a symptom of a larger problem. We urged that more focus be on family breakdown, because unless family breakdown is addressed, even if guns are controlled, the sores attendant upon family break-

down will break out in other ways, such as drugs or alcohol.

Jesse Jackson, at one of the meetings, said he agreed that too many children are being raised by single mothers, and this is hard on those children. But he indicated that the focus of the Coalition had to be on gun control.

NCCR continued to attend the meetings, and we think that the more than 20 representatives of various organizations around Washington heard NCCR's concerns, and we heard theirs.

American Legislative Exchange Council

It is our networking with the American Legislative Exchange Council (ALEC), that led to our being named to an ALEC family task force. The result of those task force meetings was the adoption of two model bills NCCR recommended (as reported in *SPEAK OUT FOR CHILDREN*, Winter 1990/91 issue).

Those model bills were sent, as part of a package of model bills ALEC recommends for passage by the 2,400 conservative (Democratic and Republican) state legislators who are members of ALEC across the country.

ALEC urges legislators to introduce those bills in their state legislatures.

NCCR Supporters

NCCR recommends that NCCR supporters determine who are the members of ALEC in your state legislature. To get suggestions on the best way to approach those ALEC members regarding those two bills, please contact NCCR.

You will do the work yourselves, but we have suggestions, from having worked with ALEC, that can assist you in getting those bills passed in your state.

Also, we urge you to network with other groups in your state. If you are only talking to people who agree with you 100 percent, that is not enough. Also talk to those who do not agree with you.

The networking should be done, as much as possible, by members of your organization who, aside from knowing the issues, like other people, and who are good at meeting people.

There will not be any overnight results. Networking is slow, and requires patience.

Thanks to Our Contributors

We wish to thank those who have joined, renewed their membership, contributed to NCCR, or ordered materials from NCR from January through April, 1991. An asterisk (*) denotes life member of NCCR (financial and/or service contributions totaling \$500 or more).

Edward Allison
Dominick Amari
Karen Asaro
Nancy Ashenbach
David Ault
Asa Baber
Joseph Barbier
Sy Bauman
Paul Beaupre
Steve Becker
Louis Behr
Lloyd Bell
Thelma Bentley
Piotr Blass
Melinda Blau
Kim Boedecker-Frey
James Boskey
Wade Bowie
Dennis Boytim
Robert Braxton
Bruce Brincko
Allen Brown
Charles Brown

Sally Brush
J. Robert Burk
Rick Burroughs
Bruce Burrows
Annamarie Canillo
Karen Chandler
Mary Chapman
Emma Clarke
James Cloyes
* Stuart Cochran
Dana Cogan
Robert Collins
Roger Colven
John Conery
Phil Cook
Charles Crawford
Raymond Cverko
Roland Cyr
Thomas Daigneau
Richard Davis
Barbara DeMarea
Deborah Debow Weissman
* Elliott H. Diamond

David Dinn
Thomas Donohue
Roy Doves
Ken Driscoll
Robert Eisenbart
Robert Fay
James Felder
Patrick Flachs
Jo Fogel
Donald Forslund
Doris Jonas Freed
Ronald Friedman
Louis Gello
Richard Gardner
Mike Genoulis
Subhen Ghosh
Tracy Gibbons Clover
David Goldberg
Carla Goodwin
Robert Gray
Jeff Green
Ray Grey
Michael Grim
David Grimes
William Guarro
Fred Haehnel
Elizabeth Harlamert
Raymond Hart
Linda Heyes
Ron Higgins-Danner
Stan Hirsch
Michael Hirschensohn
Jeffrey Houle
Robert Hurst

Fred Irani
Howard Irving
Jonathan Israel
Paul Jameson
Kathleen Jones
Deborah Jones Selk
Michael Justice
Stephen Kalifeh
Robert Katz
Joan Berlin Kelly
Paul Kennedy
Lisa Kircher
Paul Kirchmeier
Loren Kirkeide
Jim Klipman
Barry Krammer
Cary Krenk
Gary Kretschmer
Robert Krollman
Florence Kusnetz
Martin Lachman
Marcia Lebowitz
Dennie Lewis
Israel Lichtenstein
John Lord
Frank Lucente
Frankie Mabry
Dan MacDonald
David MacDonald
Ed McFadd
* Marie McManmon
Eva Metzger Brown
Donald Middleman
Peter Mittell

Wilbur Monroe
Patricia Murphy
Ronald Myers
Eric Nasar
Ann Newton
Richard Parker
James Pate
Jean Paton
Debra Paulsath
Parul Pearlstein
Richard Phillips
Eric Pirone
Larry Powell
Mike Prior
Karen Raffino
Yvonne Randall
John Ratajewski
Ann Riley
William Rinehart
Barry Ringelheim
Rachel Rivers
Paul Robinson
Ronald Robinson
John Rossier
Jamie Sadler
* Gary Santora
Judy Saalow
Donald Sasser
S. Richard Sauber
Mary Jo Scalone
James Scheimer
Roy Schenk
Penny Scott
David Sewall

R. Brock Shamburg
Susan Shelka
Arnold Shienvold
* John Siegmund
Mary Siegmund
* Donald Smith
Doris Smith
Howard Smith
Selvin Sneed
Dennis Snyder
Martha Solt
Penny Sorenson
Lu Spinks
Melissa Spittle
Nancy Statum
George Stears
Vivian Stoutimore
R. Kirk Sutell
James Taylor
Tony Testa
* Robert Thomas
* William Tole
Fred Tubbs
Larry Twombly
John Tyndorf
Russell Vander Wier
Harvey Walden
Judith Wallerstein
Joanne Webber
Jerome Weinstein
Paul Whittlecraft
Richard Wrona
Curtis Wroten
Howard Yahm

Here are a few selections from The
National Council for Children's Rights

1991

CATALOG OF RESOURCES

for parents
and professionals

The NCCR catalog lists more than sixty books, written reports, audio-cassettes, model bills and gifts for children. Members can receive additional free copies of the catalog by contacting NCCR. Non-members can order one for \$1.00. Write: NCCR, 220 I St. N.E., Suite 230, Washington, D.C. 20002-4362.

Send all book orders to: NCCR Books, P.O. Box 5568, Friendship Station, Wash., DC 20016. Add \$2 for 1st book, 50¢ each add'l book for shipping and handling.



Especially for Kids

Dinosaurs Divorce, by Laurene Krasny Brown and Marc Brown. Cartoon style, story form to help children 4-12 understand divorce words and what they mean, why parents divorce, how children feel, having two homes. Endorsed by *N.Y. Times*, *American Bookseller*, *School Library Journal*, and *Publishers Weekly*. **BKK-102 — 31 pages. \$4.70**

Especially for Parents

Divorce Book for Parents, Vicki Lansky. Draws on her own experience, that of hundreds of other parents, and professionals, to give sound advice on how to help your children survive and even thrive ... and remain true to themselves at the same time. **BKP-204 — 255 pages. \$18.95.**

Fathers' Rights — The Sourcebook for Dealing with the Child Support System, by John Conine. Authored by a child support enforcement officer who worked for many years at both the state and national level. Suggests how to change a biased system to deal impartially with husbands, wives and children. **BKF-406 — 220 pages, hardback. \$17.95.**

Especially for Stepparents

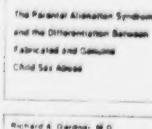
Making it as a Stepparent, New Roles/New Rules, by Claire Berman, director of public education, Child Welfare League of America. Provides practical help and insights into the many challenges and rewards of step-families. **BKS-302 — 202 pages. \$7.95.**

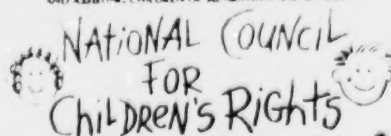
Mediation

Mediating Divorce, by John M. Haynes, Ph.D., and Gretchen Haynes, M.A. John Haynes, founding president of the Academy of Family Mediators, and trainer of about 5,000 judges, lawyers and therapists in mediation, and Gretchen Haynes, show how mediation techniques can be applied. **BKE-602 — 310 pages, hardback published 1989, \$27.95.**

Child Abuse

The Parental Alienation Syndrome and the Differentiation Between Fabricated and Genuine Child Sex Abuse, by Richard A. Gardner, M.D., an authority on the Parental Alienation Syndrome (PAS). **BAK-801 — 314 pages, hardback, \$20.00.**



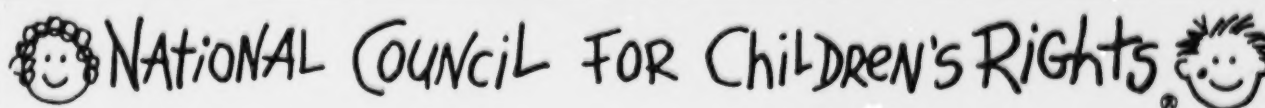


220 I Street N.E., Ste 230,
Washington, D.C. 20002-4362

Address Correction Requested

Non Profit Organization
U.S. Postage
PAID
Washington, D.C.
Permit # 881

Please Reprint This in Your Newsletter or Journal



We are proud of your achievements, NCCR! Sign me up and send me the benefits listed below. Enclosed is my tax deductible contribution as a:

- ☐ New member, \$35 ☐ Sustaining member, \$60 ☐ Sponsor, \$125
☐ Life member, \$500 ☐ Other \$ _____
☐ I can't join now, but here is my tax-deductible contribution of \$ _____

PLEASE CHECK ALL THAT APPLY.

- ☐ MC ☐ VISA CC# _____ Exp. date _____

NCCR # _____ if renewal or change of address, see NCCR number on label.

Title _____ (Mr., Ms., Dr., Rev., etc.)

Name _____ (Must be provided.)

Suffix _____ (ACSW, MD etc.) Nickname _____ (Optional.)

Organization (48 Character maximum): _____

Delivery Address (48 Character maximum): _____

City _____ State (2 characters) _____

Zip code _____

Country _____ (If other than US.)

Organization phone _____ Home phone _____

Work phone _____ If organization is listed in NCCR Directory, organization phone number will be listed.

Individual and work phone numbers are for NCCR internal use only.

Fax number _____ Chapter name, if affiliated with NCCR _____

As a member, please send me *Speak Out for Children* (NCCR's Quarterly Newsletter), Catalog of Resources (in which I receive discounts) and the following at NO ADDITIONAL COST:

- "A Child's Right - 2 Parents," Bumper Sticker.
- FREE! A \$10 VALUE — A 32-page report, Written Preliminary Proceedings from NCCR's 1990 Fifth Annual Conference (submitted prior to conference). Includes 18 different reports including Child Sexual Abuse, New Access (Visitation) Research, What is Happening in the Black Family, How to Avoid a Parentectomy, and Activities of the ABA's Center on Children and the Law.

For my membership of more than \$35.00 or renewal, send me a list of free items I'm entitled to (the higher the contribution, the more items that are free).

If you are an individual member of NCCR, your name may be given on occasion to other children's rights organizations, organizations that support NCCR, or individuals seeking a referral for help. If you do not want your name to be given for these purposes, please check here.
Keep all personal information confidential.

Call (202) 547-NCCR (6227) to charge your membership to a credit card, or
send completed form to NCCR, 220 I Street N.E., Suite 230, Washington, D.C. 20002-4362.

Bulk copies of this newsletter are available (20 for \$15, 50 for \$30, and 100 for \$59) for distribution to policy-makers, judges, and interested persons in your state. Send order to NCCR.

Distributed by:

If you are a resident of AK, CT, GA, OH, FL, IN, MD, NJ, VA, TX, VT, we ask that you join the NCCR chapter in that state (which includes membership in NCCR National). For address of chapter in those states, see elsewhere in this newsletter, or write to NCCR for information.

SPEAK OUT FOR CHILDREN



TM

The Quarterly Newsletter of The National Council for Children's Rights, Inc.
220 I Street N.E., Suite 230, Washington, DC 20002-4362 (202) 547-NCCR

IN THIS ISSUE:

NCCR Conference
Update 4

Bills and Resolutions
in Congress 6

Around the Country
..... 7

In the Courts 8

Margaret Mead on
Violence 9

Furstenberg Replies to
Criticism 10

Pat Schroeder Proposes
Hearings 13

NCCR in the News
..... 13

Supreme Court Rules
on Father's Visitation
Rights 14

UN Convention on
Rights of Children
..... 15

Mothers Without
Custody Affiliates With
NCCR 16

National Commission
Emphasizes 2-Parent
Family 18

Wisconsin to Encourage Family Formation

Gov. Tommy Thompson of Wisconsin used his unusual veto power to resurrect an experiment that would provide financial incentives for teenage parents to wed and penalize them if they have more children while on welfare.

The idea was eliminated by the Democrat-controlled Legislature, but the governor has sweeping veto powers, including the power to eliminate words and numbers and change the meaning of spending bills passed by lawmakers.

"We need to do all we can to remove the disincentives that discourage the development of families, to promote self-reliance and to give people incentives to strive to reach their potential," said Thompson, in a *Washington Times* article on August 12, 1991.

Currently a dependent mother generally loses her AFDC (Aid to Families with Dependent Children) benefits if she marries. Mr. Thompson believes that teenage parents on AFDC should be allowed to remain on AFDC and receive more money if they marry and until they get the job experience they need to become self-sufficient.

Under the new Parental and Family Responsibility Program, the state will increase the monthly AFDC benefits of a teenage mother from \$447 to \$517 if she marries the father of



Governor Thompson

her child. The program also will increase the family's food stamps, and job training aid.

Under the new law, if the married couple have a second child while on welfare, they will receive only half of the current increase for an additional child and will receive no additional benefits for subsequent babies.

Mr. Thompson argues that benefits should be structured to discourage additional births until after a family becomes self-sufficient.

Lawmakers had argued that the experiment, called "Bridefare" by critics, would alter AFDC benefits for teen-age parents, and eliminate increases they currently receive if they have more children.

Wisconsin must receive a waiver from the federal government to institute the program. Such a waiver is expected to be granted because one of the purposes of the 1988 Family Support Act was to encourage states to experiment with ways to reduce welfare costs.

Thompson is a close political ally of President Bush.

NCCR's Comment

Thompson's plan is one of many experi-

See Family Formation page 3.

NCCR's Sixth National Conference March 19-22, 1992

See pages 4 and 5 for details!

SPEAK OUT FOR CHILDREN is published by the National Council for Children's Rights, Inc.

Editors: David L. Levy, Elliott H. Diamond.

Contributors to this issue: Paul Kirschmeier, David Dinn, Ken Skilling,

Deanne Mechling, Ed Mudrak, Charles Davis, Andrew Diamond

Erin Byron, Lehigh University, Bethlehem, PA.; and Christopher Devanny, Christine English-Martin, and Cory Gilman, Stockton State College students, Pomona, NJ, Fall semester college student interns for NCCR.

The material in this issue is copyrighted by NCCR 1991. However, all material may be reproduced, if attribution is given as follows: "From 'SPEAK OUT FOR CHILDREN,' published by The National Council for Children's Rights."

About NCCR

The National Council for Children's Rights (NCCR) is a non-profit [IRS 501(c)3] organization, based in Washington, D.C. We are concerned with the healthy development of children of divorced and separated parents. For the child's benefit, we seek means of reducing divorce by strengthening families through divorce and custody reform, minimizing hostilities between parents who are involved in marital disputes,

substituting conciliation and mediation for the adversarial approach, assuring a child's access to both parents, and providing equitable child support.

NCCR was founded in 1985 by concerned parents who have more than 40 years collective experience in divorce reform and early childhood education.

Prominent professionals in the fields of religion, law, social work, psychology, child care, education,

business and government comprise our Advisory Panel.

For further information about membership, publications, cassettes, catalog, and services, write: NCCR, 220 1 St. N.E., Washington, D.C. 20002, or call (202) 547-NCCR (6227).

SPEAK OUT FOR CHILDREN is published at least four times a year and is sent free to members. Send letters, comments, and articles for publication to Editor, NCCR.

OFFICERS:

David L. Levy, Esq., President
Anna Keller, Vice President
John L. Bauserman, VP/Treasurer
Ellen Dublin Levy, Secretary

CHAIRMAN:

Stuart W. Cochran II
founder, America's Children Tomorrow (ACT)

GENERAL COUNSEL:

Michael L. Oddenino

DIRECTOR OF PUBLICATIONS:

Deanne Mechling

DIR. OF INFORMATION SERVICES:

Ed Mudrak

ADVISORY PANEL:

Rabbi Mendel Abrams, D. Min.
Former President, Board of Rabbis of Greater Washington, D.C.

Sheila Brayman, Former President
Mothers Without Custody

Sam Brunelli, Executive Director
American Legislative Exchange Council

Jim Cook, President
The Joint Custody Association

"Dear Abby"
(Abigail Van Buren)

Honorable Dennis DeConcini
U.S. Senator, Arizona

Karen DeCrow
Former President of N.O.W.

Elliott H. Diamond,
Co-Founder, N.C.C.R.

Honorable David Durenberger
U.S. Senate, Minnesota

Meyer Elkin, Co-Founder
Association of Family & Conciliation Courts

Warren Farrell, Ph.D., Author,
Former Member of the Board of
Directors New York City N.O.W.

Doris Jones Freed, Esq., Co-Chair
New York State Bar Association Family Law
Section's Custody Committee

Larry Gaughan, Law Professor,
Professional Director, Family Mediation
of Greater Washington, D.C.

Herb Goldberg, Ph.D., Author, Professor
of Psychology, California State University

Ronald T. Haskins, Ph.D., Associate
Director, Bush Institute for Child and
Family Policy, U of NC

Joan Berlin Kelly, Ph.D.,
Executive Director
Northern California Mediation Center

Vicki Lansky, author/columnist
Deephaven, Minnesota

James Levine, The Fatherhood Project,
The Bank Street College of Education

Dr. Carl H. Mau, Jr.,
General Secretary
Lutheran World Federation
(1974-85)

John Money, Ph.D., Professor of Medical Psychology and
Pediatrics
Johns Hopkins University and Hospital

Sue Klavans Smirg
Co-Director Family Solutions
The Center of Divorce and Custody Consultation

Honorable Debbie Stabenow, Chair
Mental Health Committee
House of Representatives, Michigan

Carol Stack, Ph.D., Director, Center for the Study of the
Family and the State
Duke University

Directory of Organizations Available

NCCR's "Parenting International Directory," the third edition of its directory, is available. It lists about 1,200 organizations in the U.S. and abroad, involved in custody reform, mediation, parenting, and child support. "The

Directory can be an available resource in making referrals around the country to and from your organization," noted Ed Mudrak, NCCR director of information services.

Order your copy of the third edi-

tion in hard copy or on IBM 5 1/4" floppy disc for \$10.00 for NCCR members, and \$12.00 for non-members.



Mark Goodson Honorary NCCR Chairman

Noted TV producer and philanthropist Mark Goodson of New York and Beverly Hills, has been named honorary national chairman of NCCR.

Dubbed "The Wizard of Games" by *People Magazine*, Goodson is the creator of such popular TV programs as "What's My Line," "The Price is Right," and "Family Feud" (among numerous others).

He graduated cum laude from the University of California in Berkeley in 1937. He originally entered TV production in 1950 with his associate Bill Todman, to form the Goodson-Todman partnership.

He currently produces, through his Mark Goodson Productions, 35 half-hours of original network TV programming each week.

He is a principal stockholder and officer of more than



Mark Goodson

60 community newspapers. One of the papers, the *Pottstown Mercury* in Pottstown, PA., is the winner of a Pulitzer Prize for its editorials.

He has established scholarships in his name at the University of California at Berkeley.

In 1990, an 11-story Cedars-Sinai Medical Building in Los Angeles was named for Goodson, after his donation of \$5 million to the non-profit institution.

"We welcome Mark Goodson as honorary chairman of NCCR," said NCCR President David L. Levy. "We hope this association serves to strengthen the American family in the years to come."

Levy and NCCR co-founder Elliott H. Diamond visited Goodman recently in his New York City office.

Family Formation

Continued from page 1.

ments likely to be conducted around the country to encourage family formation and family preservation.

NCCR believes that the model of parenting behind

family formation and family preservation — two parents — is the model that should be followed in the event of family dissolution.

The more intact families we can encourage, the less divorce there may be. The less divorce, the fewer custody, access/visitation, and financial support problems. And fewer children will likely need the help of social service agencies.

But if divorce occurs, the model of two parents (and extended family) should still be followed. That is, the two parent model of family formation and family preservation is the model of family dissolution — so that a child will have both a mother and a father.

THE LAW FIRM OF
ANDERSON, BRODY, LEVINSON,
WEISER & HORWITZ, P.A.

**ABL
W&H**

IS PLEASED TO ANNOUNCE
THAT UPON ADMISSION TO THE ARIZONA STATE BAR

DAVID L. ROSE

PAST PRESIDENT, NATIONAL CONGRESS FOR MEN
EDITOR NETWORK
AUTHOR NUMEROUS AMICUS CURIE BRIEFS ON BEHALF OF
FATHERS RIGHTS NATIONALLY
PRESIDENT FATHERS FOR EQUAL RIGHTS OF COLORADO
MEMBER OF THE MARICOPA COUNTY FAMILY SUPPORT ADVISORY
COUNCIL

JOINED THE FIRM

Donald E. Anderson
Jamie A. Brody
Jeffrey H. Levinson
Paul M. Weiser
Ronald M. Horwitz
Bradley D. Gardner
Alan M. Levinaky
Joseph Huey
Lin Martin

1112 West Camelback Road
Phoenix, Arizona 85013

Telephone: (602) 234-0563
Fax: (602) 234-2952

JUNE 1, 1991

NCCR Continues to be Tax-Exempt

A member of NCCR recently told us that he could not find NCCR listed in *Publication 78*, the Internal Revenue Service publication that lists all IRS tax-exempt organizations.

We immediately contacted IRS, and after IRS investigated, they reported that we had been omitted from their *Publication 78* by error.

The IRS confirmed that NCCR has been an IRS 501(c)(3) tax-exempt organization since February 7, 1986. NCCR's tax exempt identification number is 52-1399371.

The IRS assured us in writing that we will be listed in future editions of *Publication 78*.

NCCR's Next Conference March 19-22, 1992

NCCR will hold its Sixth National Conference the weekend of March 19-22, 1992 at the Westpark Hotel in Arlington, Virginia, just across the Key Bridge from the Georgetown section of Washington, D.C.

The theme for the conference is "The Best Parent is Both Parents."

Speakers at the conference will include:



Joan Kelly

will speak about her evaluation of sole and joint custody studies;

Jessica Pearson, Center for Policy Research, Denver, CO, a major researcher on financial and emotional child support, who will present her findings on access/visitation research



Jessica Pearson

she is now conducting;



Isolina Ricci

Isolina Ricci, author of *Mom's House, Dad's House*, and director, Judicial Council of California, who will

speaking on shared parenting; and

Claire Berman, author of *Adult Children of Divorce Speak Out* (1991), who will speak on "What is 'Normal' for Stepfamilies?"

Douglas Besharov, former di-



Claire Berman

rector, the U.S. National Center on Child Abuse and Neglect (NCCAN), will speak on child abuse.



Douglas Besharov

The conference will include

workshops, a book fair, a vigil at the Lincoln Memorial (similar to one held at our 1990 conference) on behalf of the 6,600,000 children of non-custodial parents who have difficulty seeing their parents because of interference from the custodial parent.

The conference will be held at The Westpark Hotel, which has a commanding view of the Potomac River, features an indoor pool, whirlpool, sauna and exercise room, restaurant, coffee shop, laundry room, same-day valet service, and free indoor parking.

The monuments of Washington are visible from the restaurant on the 13th floor. The hotel, which is located at 1900 North Fort Myer Drive, is two blocks from a Metro (subway stop), 10 minutes by subway or car to National Airport, and a ten minute walk across the Key Bridge to Washington, D.C.

Please circle your calendars. More details will be provided later.

Awards Time Again

At NCCR's March 19-22, 1992 conference, NCCR will present the annual Chief Justice Warren E. Burger awards for "healers" among lawyers, judges and others, and its annual Media Awards for the best and worst treatment of children of separation and divorce in the media or advertising.

A "healer" might be:

- a judge who takes the lead in promoting joint custody (shared parenting);
- a pre-court trial service which fosters mediation;
- an attorney with a professional track record of promoting a child's access to two parents and others who have bonded with the child.

For media awards, possible contenders are:

- best and worst treatment of children and parents of divorce in the news media (including newspapers, magazines, TV, and radio coverage);

- best and worst media coverage of a county agency helping children of divorce with programs for teenage parents;
- best and worst TV series on abuse and false abuse charges.

Please send the following regarding your nominations:

1. The name, address and phone number of your nominee.
2. A brief, written explanation (100 words or less) of why the nominee should be cited. Give us the facts.
3. Enclose any documentation (newspaper article, date, place and name of TV station, corroboration from other affected persons) which is available.

Send "healer" awards nominations to:

Carla A. Goodwin, M.Ed.
Certified Ed. Psychologist
920 Washington Street
South Easton, MA 02375

Send media award nominations to:

Mary Louise Smith
183 Meadows Lane N.E.
Leesburg, VA 22075

Mary Louise Smith is a new NCCR volunteer handling the media nominations. We thank Mary Burr for handling the media nominations last year.

The deadline for nominations is January 31, 1992.

The 1992 winners will be named at the conference in March, 1992. Winners will be invited to receive their awards in person. The persons who nominate the winners will be asked to make the presentations at the conference to the winners on behalf of NCCR.

Auction

NCCR will hold an auction at

Continued on next page.

Continued from previous page.

the conference. Here is your chance to win items for you, your children, or other members of your family. If you would like to donate an item to be auctioned, please send it to:

**John Siegmund, c/o NCCR
330 G Street S.W.
Washington, D.C. 20024**

We ask that all items be new.
Craft items are welcome.

Ad Book

For the first time, NCCR will place ads in the glossy, printed *Conference Proceedings Booklet* that contains various presentations submitted prior to the conference. About 3,000 copies of this booklet are distributed during the conference and afterward. This is your opportunity to reach NCCR supporters, members of the media, and public policy officials, who receive copies of this Booklet.

The rates are as follows:

Three lines	\$ 25.00
Quarter page	50.00
Half page	95.00
Full page	185.00

Please send ad copy to:
**Cliff Clark, c/o NCCR
1714 N. Troy Street, #799
Arlington, VA 22201
(703) 527-8252.**

Help make NCCR's conference a success, and also extend greetings in the *Conference Proceedings Booklet*. The deadline for all copy is February 15, 1992.



**CHECK IT
OUT!**

Advertise in

Speak Out For Children.

For a rate card, write:
NCCR Ada

NextStep Publications
1485 3rd, Astoria, OR 97103
Or call (503) 325-8828

Sculpture of Child to be Raffled

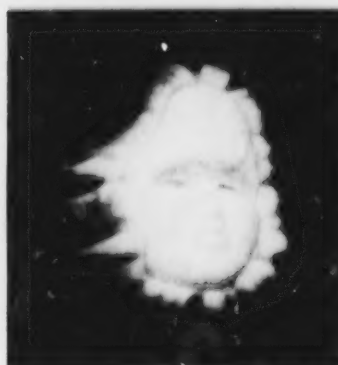
Cha, the noted Alaskan artist, has donated a fine sculpture entitled "Alaska Child" to NCCR.

The sculpture, a fossilized-ivory carving mounted on wood, is valued at \$1,600.

NCCR is raffling this sculpture. We will have only 1,000 raffle tickets. They are available for \$2.00 each, or three for \$5.00. One raffle ticket is given free to every registered participant at our Sixth National Conference.

The drawing for this raffle will be held Saturday, March 21, 1992, at the conference banquet. You do not have to be present to win. All proceeds go to NCCR, thanks to Cha. We thank Sandra Armstrong, Alaska coordinator for NCCR, for arranging for this valuable donation.

Cha (who uses no last name), is a native of New Mexico. She came to Alaska in 1947. Cha works in rare



*Alaska Child
Photo courtesy of Fred Ward*

and exotic materials such as fossilized walrus tusks, teeth and prehistoric bones from extinct animals such as the woolly mammoth, sabre-tooth tiger, and cave bear. The bones range in age from 5,000 to hundreds of thousands of years ago.

The wood frame that houses the carving measures 6" high by 4" wide, by 2" deep. The image of the Alaskan Child occupies about 1/3 of the area of the wood frame. The frame may stand upright on a desk or in a display cabinet.

Cha is famous for her wearable art, including Sitka roses, toothfaces, and Alaskan cameos. They can be made into sets with matching beads and earrings. She also creates necklaces on buckskin, which emanate ancient Alaskan history. She maintains her studio in Juneau, Alaska, (907) 463-3404.

Please complete the raffle ticket below

Please send me ____ (number) of raffle tickets, at \$2.00 apiece, or 3 for \$5.00, for the outstanding Alaska Child fossilized-ivory sculpture by noted Alaskan artist Cha. I understand only 1,000 tickets are available.

Your name _____
Address _____
City _____
State _____ Zip _____

I enclose \$_____ in the form of check ____ money order ____ or charge my Visa or MC Number _____

Expiration date _____

Send this order to
Dr. Gary Santora, c/o NCCR
6607 Whittier Drive
McLean, Virginia
(703) 893-6325

Do NOT send to the NCCR office.



Bills and Resolutions in Congress

A bill requires a state or persons to do something; a resolution expresses the wishes of Congress, but does not require action. H. or H.R. refers to the House of Representatives; S. refers to the Senate. Where there is one committee handling a bill, we have provided the committee's phone number; where there are several committees involved, we have provided the sponsor's phone number. You may call to check on the status of legislation, or to express your views. It is even more important to let your own Representative and Senators know your views.

H. Con. Res. 183, expresses Congress's wish that the second Sunday in October be established as a National Children's Day. Sponsored by Rep. Joe Kennedy (D-MA), this Resolution was approved by Congress in 1991 for the third consecutive year. The U.S. is one of the few countries in the world that does not have a national children's day, although some churches in the U.S. celebrate Children's Day, usually on the first or second Sunday in June.



Rep. Joe Kennedy

H. Con. Res. 89, would express the wish of Congress that expert testimony concerning the nature and effect of domestic violence, including descriptions of the experiences of battered women, be admissible when offered in a state court by a defendant in a criminal case. Introduced by Rep. Connie Morella (R-MD), referred to House Judiciary Committee, (202) 225-3951.

H. Con. Res. 134, would express Congress's support for traditional family values. Introduced by Rep. William Dannemeyer (R-CA) and referred to House Subcommittee on Human Resources, (202) 225-1850.

H.R. 2055, to provide penalties for international parental kidnapping of children. Introduced by Rep. George Gekas (R-PA) and passed as an amendment to the House Crime Bill. A similar bill in the Senate, S. 1263, sponsored by Sen. Alan Dixon, passed as an amendment to the Senate Crime Bill. The two versions must now go to a House-Senate conference committee. The co-sponsors of the bill adopted NCCR's view that interference with visitation should be specifically mentioned in this bill, not just interference with custody.

H.R. 579, to make it a crime for a parent to kidnap a child from one state to another in violation of a valid custody order. Introduced by Rep. Major Owens (D-NY). NCCR has urged that any such bill also provide penalties for kidnapping by a custodial parent in violation of access/visitation orders. Referred to Judiciary Committee, (202) 225-3951.

H.R. 1241, to provide criminal penalties for flight to avoid payment of child support arrearages. Introduced by Rep. Henry Hyde (R-IL). Referred to Subcommittee on Crime and Criminal Justice, (202) 226-2406.

H.R. 1633, would assist in implementing the Plan of Action adopted by the 1990 World Summit for Children, including increases for nutrition and immunization programs. Introduced by Rep. Matthew McHugh (D-NY), and referred to Energy and Commerce Committee (202) 225-2927.

H.R. 3151, would require employers who withhold wages from absent parents owing child support payments to pay their amounts withheld to appropriate agencies within ten days after payment of such wages. Introduced by Rep. Olympia Snow (R-ME), and referred to Committee on Ways and Means, (202) 225-3625.

S. 1411, Middle Income Tax Relief and Family Preservation Act of 1991, would provide tax relief for those with low income (below \$12,000) and high income (above \$75,000), while providing no tax relief for those whose income falls between \$12,000 and \$75,000, according to an NCCR analysis. Would also

establish child support demonstration assurance projects in up to six states under which the federal government would pay support not paid for by parents. Would also establish a 21-member National Commission on Family Strengths, to enhance family stability and to study the economic impact of divorce on children. Introduced by Sen. Christopher Dodd (D-CT), and referred to the Committee on Finance (202) 224-4515.

S. 4, to strengthen families and avoid placement in foster care, by providing intensive family services, family reunification services, and follow up services designed to strengthen families. Sponsored by Sen. Daniel Patrick Moynihan (D-NY), Sen. Lloyd Bentsen (D-TX) and others, and referred to Senate Finance Committee, (202) 224-4515. Rep. Thomas Downey (D-NY) introduced a similar bill in the House, H.R. 571.

S. 701, to increase the personal exemption for dependent children under age 18 to \$3,500. Introduced by Sen. Coats (R-IN). Referred to Finance Committee, (202) 224-4515; similar to H.R. 1277, introduced by Rep. Frank Wolf, assigned to Ways and Committee, (202) 225-6649.

S. 5, Family and Medical Leave Act, to provide for protection of job for leave for birth of a child or illness of a child or illness in the family. Introduced by Sen. Christopher Dodd (D-CT), approved by the Committee and expected to be voted on by the Senate in October, 1991. Similar to H.R. 2, introduced by Rep. William Clay (D-MO), and also expected to be voted on by the House in early October.

S. 15, The Safe Streets and Homes for Women Bill, introduced by Sen. Joseph Biden (D-DE). Similar to H.R. 1502, introduced by Rep. Barbara Boxer (D-CA), and referred to various House committees. Title IV of H.R. 1502, which provides for safe campuses for women (e.g. grants for campus rape education), passed the House under the Higher Education and Reauthorization Act.

S. 803, to amend the Family Violence Prevention Act, to provide grants to states to fund state coalitions to prevent domestic violence. Introduced by Sen. Harry Reid (D-NV), and is now included in Sen. Biden's bill, S. 15 (see above).



Bowen Travel handles air accommodations for NCCR conferences. We can also handle your everyday air travel needs. Bowen Travel offers the lowest possible plane fares available. Call them at 1-800-868-2129.

Around the Country

California New Financial Child Support Legislation

A bill which increases financial child support more than 40 percent, wipes out any credit for joint custody (shared parenting), and takes away state licenses for all business people and professionals who owe more than 30 days back child support, passed in an 11th hour session of the California legislature.

The bill, S.B. 101, was promoted as a partial answer to California's need to balance its budget. This is because an increase in financial child support collections is expected to produce additional matching funds from the federal government, according to supporters of the bill.

Sen. Gary Hart, D-Santa Barbara, took a bill unrelated to child support that had passed the State Senate, changed its contents to include the child support provisions and got it passed by the Legislature, according to Jim Cook, president of the Joint Custody Association in Los Angeles.

It was immediately signed by Gov. Pete Wilson.

The bill circumvents the work of the Judicial Council, the administrative office of California's courts, said Cook. The Council was mandated by the Legislature last year to spend this year working on new child support guidelines.

The Judicial Council was scheduled to hold public hearings throughout the state prior to any new child support legislation being enacted.

Afraid that the Council might not support what they wanted, some child support advisors to the Council prevailed on Sen. Hart to get the bill passed, said Cook.

Cook said these advisors want to roll back the nationwide trend towards giving parents with joint custody a credit in child support. About 38 states provide some sort of credit in child support for joint custody, said Cook. California is often regarded as a bellwether state in domestic relations legislation.

Cook says the way in which the Legislature proceeded has angered some policy makers in the state, including judges, attorneys, and mediators, who see the public as cut out of the process via the public hearings that were to take place prior to enactment of new legislation.

"There is now more sympathy for payors than I have ever seen before," said Cook, who criticized the new law as "on the edge of extortion, rather than rational child support legislation."

Meanwhile, the Judicial Council is proceeding with a review of Child Support Guidelines. If the public demands hearings, said Cook, and the Council makes recommendations which vary from the provisions of the new law, this may put the Council on a collision course with the legislature.

Cook noted that although laws passed this year generally take effect on January 1, 1992, the new law is not due to take effect until July 1, 1992, which Cook says may provide time for amendment.

Virginia Change of Custody Allowed for Visitation Interference

Virginia has passed a landmark law that states, "The intentional withholding of visitation of a child from the other parent may constitute a material change of circumstances justifying a change of custody in the discretion of the court."

Delegate James Almand, a member of the House of Delegates Courts of Justice Committee, introduced the bill in the legislature. Almand credits northern Virginia attorney Betty Thompson, a family law attorney who frequently testifies on family law bills, for suggesting the change to him.

The new law took effect July 1, 1991.

Laurence Gaughan, a Fairfax, Virginia, domestic relations lawyer and

an advisor to NCCR, calls the new provision the most important family law change in the 1991 session of the Virginia General Assembly. There is no corresponding case law. There may be no equivalent law in any other state of the U.S.

(Note: a 1990 New Jersey law makes interference with access/visitation a criminal penalty).

(This news item expands upon an item that appeared in an NCCR "Action Alert" in July, 1991).

Texas Access Law Sponsor Receives Award

Because Texas Sen. J. R. "Buster" Brown (R-Lake Jackson) was unable to personally receive a Chief Justice Warren Burger "Healer Award" at NCCR's conference in Washington in 1990, a special presentation was made to him in Austin last May.

Brown received the award from NCCR for his sponsorship of the landmark 1989 Texas law (S.B. 188) under which judges must give non-custodial parents a minimum of about 34 percent of the time on a year-round basis.

A judge may give more than that amount of time, but may not go below that, absent good reason, to be stated in writing.

Eric Anderson, NCCR's Texas coordinator, made the presentation on behalf of NCCR of the engraved plaque to Brown.

Anderson noted that Brown was also the Senate sponsor of a bill (H.B. 2252) that will establish statewide standards for child abuse investigations.

H.B. 2252 and a model version of S.B. 188 (based on the Texas law) are available from NCCR for \$15.00 for NCCR members, and \$20.00 for non-members. (If you only want one of the bills, the cost is \$7.50 for one bill for NCCR members, and \$10.00 for non-members. Specify which bill you want).



Anderson (left) and Brown

In the State Courts

Relocation May Justify Change of Custody

Relocation of a parent who has joint or primary physical custody may, in itself, provide a sufficient basis for a change of custody, Maryland's highest court has ruled.

In ordering the lower court to reconsider its decision to allow the move of the custodial mother with her new husband, an Army officer, to Texas, the Maryland Court of Appeals said each case must be decided on its merits. In this case, the five-judge panel found that although the father did not have equal physical custody, he regularly exercised visitation rights, and close relatives of the children, both maternal and paternal, resided in Maryland. The court also found evidence that the attitude and conduct of the mother and her new husband "were likely to exacerbate the adverse effects of a physical separation of the children from their father, to the detriment of the children."

The court quoted Justice Fuchsberg, in *Weiss v. Weiss*, 52 N.Y. 2d 170, 418 N.E. 2d 377, 380 (1981) that "How valuable the mature guiding hand and love of a second parent may be to a child is taught by life itself. This is surely so when the parent-child relationship is carefully nurtured by a regular, frequent and welcomed visitation as here ..."

Domingues v. Johnson was decided August 21, 1991 and is not yet reported in law books; copies available from NCCR for \$3.00 for members, \$5.00 for non-members of NCCR.

Editor's Note: NCCR President David L. Levy was quoted on the Maryland AP wire as praising this decision the day after it was announced. He said divorce is often the first great disruption to a child's life; we should not allow a second disruption, moving the child out of state, absent strong reason.

Factors to be Considered in Move

Nevada's Supreme Court has provided more detailed guidance on situations where a custodial parent wants to move to another state with his or her children over the non-custodial parent's objections. The court said the primary concern must be the child's best interests, and adopted criteria set out by a New Jersey court in *D'Onofrio v. D'Onofrio*. The threshold question is whether the custodial parent has shown that the desired move will produce an actual advantage for both the children and the parent. A trial court must then weigh additional factors, such as the custodial and non-custodial parent's motives, the possibilities for visitation if the move is allowed, and the extent to which the move will improve the lives of the children and the custodial parent.

Schwartz v. Schwartz; Nev. SupCt. No. 21010, 6/6/91.

Reason to Terminate Financial Child Support

A trial court was correct in terminating the child support obligation of a man whose 17-year-old daughter declined his invitation to live with him following the relocation of her mother, with whom she had been living, the Pennsylvania Supreme Court has ruled. The court said the father should not be required to let his daughter dictate the allocation of his support money when she had provided no justifiable reason for not living with him. The daughter's best interest would not be served by permitting her to reside in an apartment on her own, the court said.

Oeler v. Oeler; Pa. SupCt. No. 47 E.D. 1990, 7/18/91.

Past Financial Support Orders May be Modified.

Connecticut's recently enacted provision allowing the modification of

child support orders that deviate substantially from the state's child support guidelines applies to all existing child support orders, not merely those issued after the provision's effective date, the Connecticut Supreme Court has held. Although there is a general rule that a statute is to be applied prospectively unless the legislature expressly provides otherwise, restricting the provision to prospective application would only thwart the implementation of the guidelines, the court said.

Turner v. Turner; Conn. SupCt. 219 Conn703, 7/18/91.

Mother Ordered to Create Loving Feelings in Children for Dad

The Florida Supreme Court has upheld an order directing a mother to create a loving feeling toward the father in the children's minds. The court rejected the women's claim that being forced to express positive feelings about her ex-husband infringed on her First Amendment rights. The court said the direction to the mother promotes the state's interest in restoring a meaningful relationship between the children and their father.

Schutz v. Schutz; Fla. SupCt, No. 72471, 5/16/91.

Post-Divorce Income Can Increase Support

A post-divorce increase in a person's income constitutes a material change in circumstances that may be sufficient to justify an increase in his or her child support and alimony obligations, the District of Columbia Court of Appeals has ruled. The court asserted that its prior holding that a change in either parent's income may warrant modification of support should not be limited only to situations where a parent suffers a reduction in income.

Continued on next page.

Margaret Mead's Views on Violence

In our Summer, 1990 issue, we published comments made 20 years ago by famed anthropologist Margaret Mead criticizing the courts for severing the relationship between a child and his or her biological father. The comments were part of a talk Mead gave at a seminar called "Sex in Childhood" in 1970, sponsored by the Children's Medical Center in Tulsa, Oklahoma.

Mead, the most well-known anthropologist of the 20th century, touched upon many topics in her lecture, including the need to reduce the incredible violence that pours forth from TV, the need to honor the incest taboo to protect children, and the importance of breast-feeding babies.

We here reproduce more of those comments, because of their relevance to children and families.

We thank NCCR Advisor John Money, Ph.D. of Johns Hopkins University Hospital in Baltimore, for sending us a copy of Ms. Mead's remarks. The remarks, based on a transcription of a lecture given without notes, have never, to Dr. Money's knowledge, been widely disseminated.

In her lecture, Mead said:

"There is an incredible emphasis on violence that is pouring out day after day, week after week on television. We have violence between the young and the old, violence between the hard-hats and the hatless, violence between people of different races, violence of all sorts, and this is bearing in upon children and their attitudes toward sex.

"We have very adequate demonstrations, I think, in the study of human beings that violence can be substituted for sex quite conveniently and mixed up with sex quite conveniently.

"The excessive anger of the Women's Liberation movement is an example of what we're producing in this society. It isn't that we have so much violence in the numbers of people killed, but there have been so many people who



Margaret Mead

enjoy watching them being killed. This is exceedingly dangerous, and the children are being fed on it day after day. It's not necessary. If the community would get together, it could perhaps, force the mass media to invent some other way of getting the people to look at the screen. The advertisers have already discovered other ways. The advertisers now make wonderful ads with nothing but snowdrifts and oceans and stars and everyone sweeps through the air in every direction harmlessly ...

"Now another thing that we've been doing ... is an extraordinary violation

of the rules of incest that have held straight through history. The rules of incest, and every society has them, are one of the most important protections of our humanity. They are one of man's earliest inventions.

"They have protected children growing up in the home from sexual exploitations and permitted them to develop love, tenderness and affection, to sit on people's laps and to be put to bed gently, to be bathed and caressed and cared for by adults who would not exploit them, because of incest rules that they've grown up with ...

"The stepparent is not regarded as being bound by incest taboos. The result is that the father who marries in a home with a seductive little 11-year-old girl as a stepchild is exposed to the kinds of temptation that he would never have been exposed to in a society that knew what it was doing. Equally, the half-grown son with a young stepmother is everlastingly exposed to all sorts of temptation, and the stepbrothers are exposed to temptations in regard to their stepsisters.

"I'm not emphasizing that either one is worse than the other. I'm just as sorry for the stepfather as I am for that 11-year-old girl, but the fact remains that the protection of children from the exploitation of adults is vanishing in probably well over a million homes in this country."

Continued from previous page.

Graham v. Graham; DC CtApp. No. 84-1509, 6/7/91.

The above (except for the Maryland case) are summarized from **Family Law Reporter**, and appear here by permission of the publisher, The Bureau of National Affairs, Inc.

Related story on page 14.

Annual Charity Drive Includes NCCR

NCCR is number 1203 in the Combined Federal Campaign, the annual federal government charity drive. This drive is conducted at all federal government offices, U.S. post offices, and military bases each October.

NCCR is listed as part of the

Independent Charities of America (ICA), in the front of the Combined Federal Campaign brochure. However, you must designate NCCR in order for us to receive funds. We thank those who designated NCCR last year. We greatly appreciate your designating NCCR this year.

Furstenberg Replies to NCCR Criticism of Study

Editor:

I appreciate your invitation to respond to the commentary by Anna Keller and Dan Gold on my research on the effects of paternal involvement on children's well-being and specifically the article that appeared in the *American Sociological Review* in 1987.

I only wish that this response could have accompanied the critique offered by Keller and Gold (see Spring/Summer, 1991 **SPEAK OUT FOR CHILDREN**). I fear their article leaves readers with both an inaccurate impression of my views on the value of paternal involvement and unfairly characterizes the research that I conducted with my colleagues, Philip Morgan and Paul Allison.

At several places Keller and Gold suggest that my research, if not deliberately contrived to be misleading, is at least "prejudiced" toward divorced fathers. They assert that "a close reading ... of Furstenberg's work over the last five or 10 years" reveals that I have "acquired very specific theories about divorced fathers" that have led me to "conflate" my evidence. They go on to say that I am part of "a loose coterie of like-minded researchers" (Judith Seltzer, Sara McLanahan and Irwin Garfinkel among them) who seem to share "the same research agenda."

I wish that Keller and Gold had been more forthright and specific in documenting what my theories are, how they have evolved over the last decade of research, and how they correspond to or differ from the "loose coterie" of researchers concerned with the consequences of divorce.

I question whether they have read all or even most of my work on divorced fathers in the past ten years. If they had, it is hard to believe that they would have inferred that I am antagonistic to the principle of promoting paternal involvement. Consequently, I am left in the awkward



Anna Keller and Dan Gold

position of defending myself against a position which I don't hold.

It is true that nearly a decade ago, I delivered some bad news. Based on a nationally representative survey of children, I and my colleagues (Nicholas Zill and James Peterson) discovered that the vast majority of non-residential fathers had little or no contact with their children. (By comparison, non-custodial mothers had relatively higher rates of contact. See Furstenberg, Nord, Peterson, and Zill, 1983).

More recent research suggests that paternal contact may be higher than the level recorded in the National Survey of Children in 1981, but the basic result that most fathers effectively fade out of their children's lives after divorce has been confirmed (Selzer, 1991; Teachman, 1990).

Withdrawal of Fathers is Detrimental

I say that I delivered bad news because I think the disengagement of fathers from the family after divorce is generally detrimental to both custodial mothers and their children.

This is true whether the father's withdrawal is the result of being "locked out" of the family (through

antiquated legal statutes or psychological antagonism by the custodial mother) or because fathers chose to diminish their involvement for a variety of motives (new family obligations, lack of confidence in his caretaking abilities, geographical mobility, or the desire to avoid child support).

There is a good deal of evidence to suggest that the majority of fathers who fade out of their children's lives do so for voluntary reasons. Census information has repeatedly shown that fathers substantially underreport their children living outside the home.

Men who are not seeing their children or paying child support are understandably reluctant to acknowledge that they have children living apart from them. Survey data show that most custodial mothers express a willingness and desire for greater paternal participation. Indeed, many divorced fathers start out seeing their children frequently but over time drift out of their children's lives (Furstenberg and Nord, 1985; Furstenberg and Harris, 1990).

Andrew Cherlin and I in a recent book, *Divided Families, What Happens To Children When Parents Part?*, have tried to explain the sources of disengagement. Of course, as I have indicated above, there are many reasons why this pattern of attrition occurs, including the ways that custody laws have discouraged paternal participation.

An even more fundamental reason for the disengagement from children stems from the traditional division of labor. Many men (and women as well) regarded marriage as a "package deal." Their emotional and financial support for their children is predicated on an emotional and domestic exchange with their marital partner. So men, it seems, often find it incongruous or uncomfortable to maintain

Continued on next page

Continued from previous page.

strong bonds with their children when they sever ties with their former wives.

In *Divided Families*, Cherlin and I speculate that a growing number of couples may be adopting a different sort of marriage contact, one that encourages men to be more directly involved in childrearing. The declining commitment to the traditional division of labor, we believe, will promote a different pattern of paternal involvement if and when divorce occurs.

I reject the implication that I am antagonistic to the goal of trying to keep both parents involved in childrearing when a divorce occurs. To report evidence that many fathers fade away from their children or to try to explain should not be taken as a covert clue that I or my research colleagues endorse the current reality.

Better to Remain Involved

But having said that I think it is desirable for both parents to remain involved in their children's lives after divorce. I must add that it does not follow that such involvement will necessarily or invariably benefit the children.

Despite your reference to Hess and Camara's research showing that conflict between ex-spouses has no consequence for children, most research has shown otherwise. Several research reviews and current studies indicate children's psychological welfare is adversely affected by continued parental hostilities (Chase-Lansdale and Hetherington, 1989; Wallerstein, 1991).

I assume that this is one reason NCCR finds it important to "minimize hostilities between parents who are involved in marital disputes." When conflict between parents is sustained after divorce, children may be caught in the middle.

This does not mean that children will always suffer as a result, but many theorists (child psychologists, family therapists, and family sociologists) would predict that open and protracted conflict, especially when it involves children, is associated with subsequent problems.

Fortunately, only a small minority of parents continue their hostilities after their marriage ends. A growing number of couples learn how to manage parenthood at a distance or, better still, are able to set aside their marital difficulties, and cooperate in childrearing.

But close to a majority avoid conflict by having little or nothing to do with each other. This typically occurs, as I said earlier, because non-custodial fathers disengage but it also may result from custodial mothers thwarting the involvement of the father as well.

Many theories of child development would lead us to expect that the disengagement of one parent from the family after divorce would not be beneficial for children. The research that I conducted with my colleagues Philip Morgan and Paul Allison was an effort to examine the consequences of paternal disengagement for children's well being.

Keller and Gold suggest that I and my co-authors approached the research with the idea of demonstrating that fathers' participation in child care and child support would not benefit their children.

Do Children Do Better?

To the contrary, we anticipated confirming what others had previously found — that children do better when fathers remain actively involved in their children's lives.

Using data from a nationally representative sample of children, we expected to strengthen the findings of many small-scale studies. When we did not, we were both perplexed and quite frankly initially skeptical of our counter-intuitive findings.

I think most readers who take the time to look at the brief report that we issued in the *American Sociological Review* will sense our uneasiness about the results of this study. Indeed, when Cherlin and I discussed them in our book, we wrote the following:

"... despite the mixed evidence, the idea that continuing contact with fathers makes a difference to a

child's psychological well-being is so plausible and so seemingly grounded in theories of child development that one is reluctant to discount it. It may be that evidence is difficult to obtain because so few fathers living outside the home are intimately involved in childrearing. It is also likely that, even when fathers remain involved, most formerly married parents have difficulty establishing a collaborative style of childrearing. We remain convinced that when parents are able to cooperate in childrearing after a divorce and when fathers are able to maintain an active and supportive role, children will be better off in the long run." (p. 73)

If we were so unsure of our findings, why then did we decide to publish them? And why did the most prestigious journal of sociological research accept the paper we submitted?

The canon of our discipline, indeed of all scientific procedure, encourages the open dissemination of results that are inconsistent with prevailing theories. Of course, this does not mean that we publish every result from every study that happens to clash with accepted fact. But we do believe that careful data analysis of reliable data sources should be shared with our research colleagues because they are in the best position to falsify them or to replicate them.

Morgan, Allison, and I made every attempt to test the hypothesis that children would benefit from paternal involvement using the data from the National Survey of Children. Specifically, we tried to find certain conditions under which the theory might be confirmed.

We were not successful in identifying conditions under which children did better when their fathers were more involved. This may be because truly involved fathers (seeing their children at least once a week) are relatively rare, especially those that are able to work harmoniously with the custodial parent.

Continued on next page

SPEAK OUT FOR CHILDREN Fall 1991 11

Continued from previous page.

Our Measures May Not be Valid

It also may be because our measures of academic performance, mental health, and problem behavior are not sensitive to the benefits of paternal involvement. Possibly, too, fathers are called upon to become more involved when their children are not doing well, obscuring the gains resulting from participation.

Any or all of these conditions may qualify or even vitiate the findings of our study. But it is not true, as Keller and Gold suggest, that our results stand alone as the one study that contradicts the assumption that children necessarily do better when their fathers stay involved (Emery, 1988, pp. 856-90).

We think that further research will identify the conditions under which paternal involvement either promotes, impairs, or has little effect on children's long-term psychological welfare. Even if successive studies do identify drawbacks to paternal involvement, such results should not be taken as evidence that fathers ought to be shut out. In most cases, other benefits of paternal involvement could, I believe, justify more even-handed policies that encourage paternal participation.

In presenting the results of our study, we took great pains to point out the limitations of the data, measures, and methods of analysis. We explicitly cautioned the readers not to regard our results as conclusive and urged replication of the study with other data sets.

It might be asked, given our tentativeness about the findings, why we referred to the potential policy implications of the study in our conclusion. After twenty-five years of doing research on the family, I have learned that policy makers have no scruples about using preliminary or inconclusive results to justify their decisions.

Consequently, I thought it was important to place these findings in the context of the current debate about custody and to state explicitly that our findings do not provide a reliable

guide for policy recommendations — even though they challenge conventional wisdom.

Keller and Gold appear to regard our repeated cautions and qualifications as deceptive practice — rhetorical tricks of persuasion calculated to mislead the reader. Their charge is both ridiculous and insulting.

Suppose our results had come out as we hypothesized, showing that greater paternal involvement led to children's well-being. Would they then have questioned our data, our methods, our measures, or our intent? Of course not.

I try to teach my students to question the results that you want to believe at least as vigorously of those that you question. To do otherwise is to fall short of being a good researcher. I have no objection to Keller and Gold inviting other researchers to scrutinize this study. After all, that was the purpose of publishing it.

I react quite differently to their invitation to readers to lobby their political representatives to object to funding research that might be inconsistent with their beliefs under the dubious banner that it does not meet a "standard of professionalism and responsibility." Replacing professional peer review both in funding and publication decisions with a vague standard of "responsibility" invites political influence.

This sort of standard operated successfully in squelching the NICHD funded study of teenage sexuality after it was peer reviewed and approved by professional researchers. Political advocates who feared the results of the study might contradict their view of their world then claimed that the study was irresponsible or, at best, unnecessary because we already knew the truth about teenage sexuality.

The standard of professionalism and responsibility advocated by Keller and Gold seems to be nothing more than a version of the old bromide, "Don't confuse me with the facts. My mind is already made up."

Sincerely,

Frank F. Furstenberg, Jr.

References

Chase-Lansdale, F. Lindsay and Hetherington, Mavis. 1988. "The impact of divorce on life-span development: Short and long-term effects." In P.B. Baltes, D.L. Heatherman and R. Lerner (eds.) *Life-span Behavior and Development*, Vol. 10, (pp. 105-150). Hillsdale, NJ: Lawrence Erlbaum.

Emery, Robert E. 1988. *Marriage, Divorce, and Children's Adjustment*. Newbury Park, CA: Sage Publications.

Furstenberg, Frank F., Jr. and Cherlin, Andrew J. 1991. *Divided Families: What Happens to Children When Parents Part*. Cambridge, Mass.: Harvard University Press.

Furstenberg, Frank F., Jr. and Harris, Kathleen M. April 1990. "The disappearing American father? Divorce and the waning significance of biological parenthood." Paper presented at the Albany Conference on Demographic Perspectives on the American Family: Patterns and Prospects.

Furstenberg, Frank F., Jr. and Nord, Christine W. 1985. "Parenting apart: Patterns of childbearing after divorce." *Journal of Marriage and the Family*. 47:4:893-904.

Furstenberg, Frank F., Nord, Christine W., Peterson, James, and Zill, Nicholas. 1983. "The life course of children of divorce: Marital disruption and parental conflict." *American Sociological Review*, 48:5:656-668.

Seltzer, Judith A. 1991. "Relationships between fathers and children who live apart." *Journal of Marriage and the Family*, 52:1:79-101.

Teachman, Jay D., April 1990. "Still fathers? The reorganization of parental obligations following divorce." Paper presented at the Albany Conference on Demographic Perspectives on the American Family; Patterns and Prospects.

Continued on next page

Pat Schroeder's Proposed Hearings and Bill

Pat Schroeder, chair of the House Select Committee on Children, Youth and Families, has, for the first time, confirmed in writing that hearings she intends to hold on divorce will include testimony on the "emotional" as well as the financial aspects of divorce. She has said this in letters to NCCR supporters, who had asked her to be sure that any hearings cover the emotional (not just the financial) aspects of divorce.

But Congresswoman Schroeder has not said who would be invited to testify at such hearings.

In an Action Alert mailed to NCCR supporters in September, we asked that you write again (or for the first time), to: Pat Schroeder, Chair, House Select Committee on Children, Youth and Families, House Office Building #2, Room 385, Washington, D.C. 20515, and ask that the following persons be invited to testify:

- Dr. Frank Williams of Cedars-Sinai Hospital in Los Angeles, who has written on the importance of preventing a "parentectomy" — the removal of a parent from the child's

life following divorce;

- John Guidubaldi, Ph.D., of Kent State University, Ohio, who has conducted the largest impact of divorce on children study (699 children) in the U.S.;
- Joan Berlin Kelly, Ph.D., of Corte Madera, CA, who has evaluated sole and joint custody studies.

Congresswoman Schroeder is also expected to introduce a bill on divorce in Congress.

The *Rocky Mountain News*, a newspaper in Schroeder's home state of Colorado, reported that Schroeder's proposed bill might including the following proposals affecting divorce:

- a nine month waiting period with counseling for parents who plan to divorce;
- a requirement that the financial needs of children be met before parents divide the remaining estate;
- an order that parents pay their offspring's schooling expenses through college.

In an editorial, *The Rocky Mountain News* raised concerns about such a bill. The newspaper indicated:

- more information is needed as to whether counselling would be economical and effective, before requiring it;

- it would not be fair to require divorced parents to pay for their children's college when married parents face no similar requirement;
- we need to know what works best to inhibit divorce without punishing couples who find themselves in utterly intolerable arrangements.

"Quick fixes from Washington often usher in unintended consequences," said the *Rocky Mountain News*.

NCCR's Comment

As reported in **SPEAK OUT FOR CHILDREN** (Spring/Summer, 1991 issue), conservative groups and liberal Democrats are making efforts to make it harder for couples with children to end their marriages.

The campaign is mainly talk and leaflets so far, but "braking mechanisms" to slow down the divorce process may become an issue in the 1992 election campaigns, as reported in *The Economist*, August 17, 1992.

The proposal in Congresswoman Schroeder's bill for a nine-month delay in divorce for divorcing couples was proposed by the Progressive Policy Institute, a liberal think tank in Washington, D.C., with close ties to Congressional liberals such as Schroeder.

Continued from previous page.

Wallerstein, Judith S. 1991. "The long-term effects of divorce on children: A review." *Journal of the American Academy of Child and Adolescent Psychiatry*. 30:3, May, 349-360.

Editor's note: Anna Keller and Dan Gold stand by their analysis of Furstenberg's article. Their full reply to Furstenberg's article will appear in the next issue of SPEAK OUT FOR CHILDREN (Winter, 1991/92 issue).

For now, Keller and Gold point out that a body of reputable research exists which Furstenberg has not taken into account even in his rebuttal. That research shows that children benefit from expansive contact with both parents.

The contact that the children in Furstenberg's study have with their non-residential parents can not be described as expansive.

NCCR in the News

NCCR President David L. Levy appeared on the Hearst TV Broadcasting Channel, which broadcasts in six metropolitan networks, on September 13. The markets include the Kansas City and Cincinnati area.

He also appeared on TV broadcasts in Toledo, Ohio, and WXIA-TV in Atlanta, where he discussed the role of parents in helping children with back to school plans.

He was also heard on several radio shows, including stations in Atlanta and Portland, Oregon.

Hotline, a national newsletter which reports on a variety of children's issues, including runaway youths, pa-

rental leave, and child poverty, recommended NCCR's **SPEAK OUT FOR CHILDREN** in its Summer, 1991 newsletter. For information on *Hotline*, write to John E. Gill, editor, Children's Rights of New York, Inc., 15 Arbutus Lane, Stony Brook, N.Y. 11790-1408, phone (516) 751-7840.

First for Women, a monthly publication, which previously listed NCCR as a resource, did so again in a recent issue. *First for Women* recommended that its readers order NCCR's "\$5 information pack", which includes a sample newsletter, catalog of resources, and information about NCCR.

Interstate Commission Moves to Enhance Emotional Support

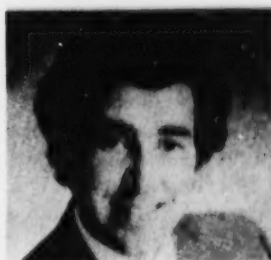
At the urging of Commissioner Don Chavez of the Interstate Child Support Commission, the Commission is making efforts at its concluding sessions in 1991 to recognize the importance of emotional support.

The Commission was established by Congress as part of the 1988 Family Support Act to hold hearings around the nation, to deliberate, and to make recommendations to Congress.

The Commission, which consists of 14 members (seven appointed by the U.S. Secretary of Health and Human Welfare, and eight of whom were appointed by House and Senate leaders), is expected to recommend tighter tracking of non-custodial parents across state lines.

However, at a recent meeting in Washington, the Commission also approved two recommendations by Chavez to bring about more emotional support.

The Commission voted to ask Congress to provide equal access of both non-custodial and custodial parents to



Don Chavez

the Federal Parent Locator Service (FPLS).

At present, employers are required to provide information on support only for payors (non-custodial parents).

The Commission also narrowly defeated a proposal to allow the state where the child is residing to set or amend financial support. Chavez pointed out that various states might wind up with authority depending on how residence was defined, and this could create enormous confusion.

The Commission voted to recommend continuance of the current policy that allows only the state with jurisdiction over the divorce and custody to set or amend financial support.

Congress would have to decide whether or not to implement the Commission's recommendations.

NCCR President David L. Levy was one of about 15 persons invited by the Commission to testify at a public hearing in Washington on September 30.

Supreme Court Rules on Father's Right to Visitation Hearing

On June 15, 1989, five justices of the U.S. Supreme Court ruled that a natural father was entitled to a hearing to determine if he should have access (visitation) rights.

Although this was a victory for unwed fathers across the country, it was a loss for the particular father who had brought the action, Michael Hirschensohn, because one of the five justices, John Paul Stevens, thought Hirschensohn had already had his hearing in California.

The hearing had actually never taken place, because of a rule in California (since repealed by a new California statute) that says a woman's husband is to be regarded as the legal father of her child — even if another man is the biological (natural) father.

Hirschensohn has made two attempts to have the Supreme Court, particularly Stevens, reconsider the matter, so that he could have a hearing to determine if he can have access to his 9-year-old daughter Victoria.

Both times, the Supreme Court has turned him down. The latest turn-

down was in April, 1991.

NCCR has been involved almost from the beginning of the case because a child's fundamental liberty interest — the right to a parent — is involved.

"A child is being deprived of the right to have the financial and emotional support of her natural father," said NCCR President David L. Levy.

Although Hirschensohn lived with Victoria and her mother for the first couple of years of her life, he has not visited with her for the past seven years.

NCCR General Counsel Michael

L. Oddenino, of Arcadia, California, who has written the NCCR briefs on this case, spoke at a meeting of the American Bar Association's Family Law Committee in Vail, Colorado, the weekend of September 27-28, 1991 about this case.

Oddenino was invited to speak to the Family Law Section after his critical analysis of the case, entitled "The Good, the Bad, and the Ugly" appeared in the *Family Law Quarterly*, Spring, 1991. Hirschensohn also attended the meeting in Vail.

Photocopy Machine and Volunteers Needed

NCCR needs a photocopy machine for its office. Please donate one to us, or funds to buy one, and get a tax deduction for your contribution!

Also, if you are interested in volunteering your expertise, we need assistance in public relations, fund-

raising, membership development, tax issues affecting the family, advocacy, research and writing.

If you would like to form an NCCR chapter in your state, city or county, please write to NCCR, and we will send you information.

U.N. Convention on the Rights of the Child

The United States is one of only a small number of countries that have not yet taken steps to ratify the United Nations Convention on the Rights of the Child.

The U.S., Iran, Iraq, South Africa, Libya, and Cambodia, are the only countries that have neither signed nor ratified the Convention, according to InterAction, a D.C. group coordinating efforts by many groups (including NCCR) to obtain U.S. ratification.

Since the Convention was adopted by the U.N. General Assembly on November 20, 1989, 77 countries have ratified the Convention, making it law in their countries, and 59 countries have signed the document, indicating they are seriously considering ratification. These countries include Australia, Brazil, Canada, Egypt, France, Great Britain, Israel, Japan, Kenya, Mexico and the (former) Soviet Union.

The Convention, the first inter-

national treaty on children's rights, sets standards on child abuse, adoption, child labor, and parenting. The treaty was drafted for the purpose of creating a world-wide consensus on acceptable standards of treatment toward children.

It became international law when the first 20 countries ratified it. The UN has set up a bureau to monitor and report on the treatment of children in signatory countries.

The treaty contains 54 articles, several of which are compatible with the purposes and goals of NCCR, as reported in our Fall, 1989, and Winter, 1989-90 newsletters.

Summaries of Some Articles

Article 7 - The right to a name and to acquire a nationality; the right to know and be cared for by parents.

Article 9 - The right to live with parents unless this is deemed incom-

patible with the child's best interests; the right to maintain contact with both parents; the state to provide information when separation results from state action.

Article 10 - The right to leave or enter any country for family reunification and to maintain contact with both parents.

Article 18 - The state to recognize the principle that both parents are responsible for the upbringing of their children.

President Bush is reported to oppose ratification because the Convention takes no position on abortion (for or against), and because it might prevent execution of criminals who are under 16. The President has thus not sent the treaty to the Senate, and so the Senate has not had the opportunity to vote on the treaty.

If you favor passage, InterAction asks that you do the following:

1) Send a letter to President Bush, urging adoption of the Convention by the U.S.

2) Collect signatures from your friends on a petition, urging ratification. Send the petition to President Bush, with copies to your two U.S. Senators.

For more information, contact InterAction, 1815 H Street NW, 11th Floor, Washington, D.C. 20006, telephone (202) 546-1900, fax (202) 546-3228.

Copies of the Convention on available from NCCR for \$3.00 for members, \$5.00 for non-members of NCCR.



Legal Help Available From NCCR

If your case is on appeal, and involves a broad legal principle (such as joint custody/shared parenting, parental kidnapping, or the fairness of some domestic relations law or procedure), NCCR may be able to file an amicus curiae (Friend of the Court) brief, as we have done in other state appeal court cases.

If we win the case, as we have won cases in New Jersey, Wisconsin, Ohio, and elsewhere, the case can serve as precedent for other cases heard in that state, and elsewhere in the country.

We can only consider cases on appeal. We have been asked on a number of occasions to enter cases at the trial level (which are not yet on appeal), but we regret we do not yet have the resources to do this.

An amicus curiae brief is not the main brief in the case filed by

you or your attorney; it is an extra brief filed by NCCR to draw the court's attention to the importance of this case, and its effect on children's rights.

If a mental health professional or other expert has made a finding or statement in the case, this can be included in the amicus brief.

Attorneys for NCCR are interested in writing amicus briefs on a reasonable fee basis. As mentioned above, we can only consider cases which are on appeal.

To increase your chances of winning on appeal, make certain that all constitutional arguments are raised in the lower court.

Legal arguments appear in NCCR Report No. 1102A ("Joint Custody as a Child's Constitutional Right").

Child Support Analysis

For presenting your own case in court (Strictly confidential) or for presenting to your legislature. Includes proposals for equitable results in a variety of situations. Laser quality data and graphs.

Sharp Data

When you want to make a POINT!

Fred Tubbs (802) 454-8462

RFD 1 box 284A

East Montpelier VT 05651

Serving all 50 states.

Dick Woods' Iowa Group Also Affiliates

Mothers Without Custody Affiliates With NCCR

Mothers Without Custody (MW/OC), a national group that represents one million non-custodial mothers, has affiliated with NCCR.

MW/OC, headquartered in Houston, Texas, is the first national organization to affiliate with NCCR.

The decision was announced jointly by Jennifer Isham of Chicago, the newly-elected president of MW/OC, and NCCR President David L. Levy, at MW/OC's ninth annual conference in Chicago on October 11.

MW/OC has about 35 chapters in 15 states. All members of MW/OC will be asked to individually join NCCR. In return, NCCR will include MW/OC in its advocacy work. "This effectively broadens the services MW/OC can offer its membership," said Isham.

NCCR has worked with MW/OC in the past, in meetings with HHS officials in Washington. And together they have filed an amicus brief in a suit now pending in a Washington state court challenging the methodology by which a child support guideline was developed in Washington state.

For information on MW/OC, write or call P.O. Box 27418, Houston, TX 77227-7418, phone (713) 840-1626,



Jennifer Isham

past.

In Pennsylvania, Parents Equality and Children's Equality (P.E.A.C.E.), has voted to affiliate with NCCR; and in Alabama and Kentucky, new chapters of NCCR have been formed.

Other Groups Welcome

Other national, state, and local groups are welcome, including custody reform advocates, mediators, pre-court trial services, and other parent-ing groups.

Coordinators of our state chapters maintain contact by mail exchange

and cross-country telephone conference calls between the chapters and NCCR national. In this way, chapters can benefit from each other and do not have to constantly "re-invent the wheel."

If you live in a state where there is an NCCR chapter, we urge you to join the chapter. In this way, you will be networking with a chapter and national NCCR to reform custody law and attitudes around the country. By becoming a member of the chapter, you also become a member of National NCCR.

If you would like to learn if a chapter is forming in your state, contact NCCR. If you would like to form a chapter in your own state or community, especially if you live in California or New York, write to NCCR for our Affiliation Booklet.

This 37-page booklet explains everything you want to know about affiliation.

After reviewing the booklet, write to Eric Anderson of Texas, NCCR chapter coordinator, for further information. Eric's address is listed on p. 17.

NCCR's name is protected by federal trademark law.

Four New NCCR Chapters Formed

On the state level, new NCCR affiliate chapters have been formed in Iowa, Pennsylvania, Alabama, and Kentucky. This means NCCR now has chapters in 15 states and Canada.

Dick Woods, the most recent president of the National Congress for Men and Children, announced that the board of his Fathers for Equal Rights, Inc. (FER) has voted to affiliate with NCCR. FER will also retain ties with NCMC.

Woods has served on various boards and commissions in Iowa, and was instrumental in helping convince Congress to authorize and fund the access/visitation demonstration grants in the 1988 Family Support Act. Woods and NCCR have worked well in the

Members Can Say "Charge it!" And Support NCCR, Too

Supporters of NCCR can take out a Visa card, and every time you use it, NCCR receives a small fee. The card is free for the first year.

This is the result of an agreement NCCR has reached with MBNA America of Newark, Delaware, the bank that issues the cards. By now, all supporters of NCCR should have received a notice in the mail, letting them know of the availability of this VISA card. Because the VISA card benefits an organization, in this case, NCCR, it is called an "affinity card." (affinity between the VISA card and an organization).

We appreciate the supporters of NCCR applying for and using this card.

To apply for the card, please call toll free at 1-800-847-7378, extension 2500. Tell them you want an NCCR Visa card. Visa is a registered trademark.

Even if you have a spotty credit background, you may be eligible for this credit card. If you get turned down, call back and explain why your credit is less than perfect (e.g. custody or access battle).

Remember, this card is free for the first year.

Latest NCCR Catalog Offers Many New Books and Tapes

NCCR's new "Fall 1991, 1992 Catalog of Resources" is now available. A copy of the Catalog was mailed to all NCCR members and supporters in October, 1991. If you are a member and wish an additional copy of the catalog, write to NCCR. The cost of the catalog for non-members is \$1.00.

The expanded catalog lists 75 items, including books, reports, audio/video cassettes, and gifts for children.

Some Items which NCCR offers, but which are not in the Catalog, include:

A) a video tape of the "48 Hours" show of May 22, 1991, that depicted Sonny Burmeister and other Georgia fathers who were experiencing difficulty at maintaining relationships with their children following divorce. Price: \$15.00.

B) *The Real World of Child Interrogations* by Ralph Underwager, Ph.D. and Hollida Wakefield, M.A. These authors believe false allegations of child sexual abuse have become a serious problem. In the past, they state, allegations were generally discovered when a child spontaneously told someone; now the abuse is often alleged only after an adult begins questioning a child. 376 pages, hardback \$65.00.

C) *Sex Abuse Hysteria: Salem Witch Trials Revisited* by Richard A. Gardner, M.D. Derived from Gardner's

custody litigation over the past twenty-five years. The book discusses how sex abuse allegations can be used to seek vengeance on a hated spouse, as well as to obtain court support for quick exclusion of the other parent from the child's life. 150 pages, hardback. \$18.95.

(Note: NCCR supports efforts to better distinguish between real abuse and false allegations of abuse, so that children who need assistance can be helped).

D) *Mommy and Daddy are Divorced* by Patricia Perry and Marietta Lynch. An illustrated story of two young brothers who visit their father after divorce and enjoy the visit. A book for children ages 5-10. 29 pages; softback. \$4.00.

Order the tape listed in A from the NCCR office, 220 I Street N.E., Washington, D.C. 20002.

Order B, C, D, and all other books from Deanne Mechling, Director of Publications, NCCR Books, P.O. Box 5568, Friendship Station, Washington, D.C. 20016. NCCR members deduct 10 percent. (Membership is \$35.00 a year). Enclose check or money order, or Visa or MC information, plus shipping cost of \$2.00 for first item ordered, and \$.50 each additional item.

NCCR Chapters

Alabama

Alabama Council for Children's Rights
501 Crosscreek Trail
Pelham, AL 35124
(205) 664-4865
Charles Crawford, coordinator

Alaska

Alaska Dads and Moms
4401 Sesame Street
Juneau, Alaska 99801
(907) 465-3347
(new address and phone number)
Sandra Armstrong,
NCCR state coordinator

Steve Strube, president
Alaska Family Support Group
P.O. Box 52115
Big Lake, AK 99652-1151
(907) 892-7760

Tracy Driskill,
Second Wives and Children
P.O. Box 875731
Wasille, AK 99687-5731
(907) 376-1445

Connecticut

Connecticut NCCR chapter.
P.O. Box 511
Farmington, CT 06034
(203) 673-9325
Mike Glanovsky, coordinator

Florida

Florida NCCR chapter

113 W. Tara Lakes Drive
Boynton Beach, Florida 33436
(407) 369-3467
Piotr Blass, coordinator

mid-Florida chapter
Barbara Walker-Seaman
353 N. Central Avenue
Oviedo, Florida 32765-6307
(407) 365-7812

Georgia

Georgia Council for Children's Rights
P.O. Box 70486
Marietta, GA 30007-0486
(404) 591-7772
Sonny Burmeister, coordinator

Indiana

Indiana Council for Children's Rights
2625 N. Meridian, Ste 202
Indianapolis, IN 46201
(317) 925-5433
(new address and phone number)
David Dinn, coordinator

Iowa

Fathers for Equal Rights, Inc.
3623 Douglas Avenue
Des Moines, IA 50310
(515) 277-8789
Dick Woods, coordinator

A second-wives for Equal Justice group is also in formation

Kentucky

Kentucky chapter of NCCR

Pumpkill Ridge Farm
Pellville, KY 42364
(502) 233-4614
Tracy Cox, coordinator

Maryland

NCCR Maryland chapter
417 Pershing Drive
Silver Spring, MD 20910
(301) 588-0262
Harvey Walden, coordinator

New Jersey

New Jersey Council for Children's Rights (NJCCR)
P.O. Box 615
Wayne, NJ 07470-0615
(201) 694-9323
Erich Sturn, coordinator

Ohio

Coalition of Parental Rights Associations (CAPRA)
227 S. Roanoke Avenue
Youngstown, OH 44515-3548
(216) 799-9787
Andy Cvercko, president

Pennsylvania

P.E.A.C.E. (Parents Equality and Children's Equality)
20 1/2 S. Bradford St.
Allentown, PA 18103
(215) 435-3008

Texas

Texas Children's Rights Coalition (TCRC)
P.O. Box 11261

Capitol Station
Austin, Texas 78759-3132
(512) 836-6621
Eric Anderson, coordinator
and nationwide chapter coordinator

Vermont

Vermonters for Strong Families
RR 1, Box 284A
E. Montpelier, VT 05651-9801
Fred Tubbs, President
(802) 454-8462

Virginia

Fathers United for Equal Rights and Women's Coalition
P.O. Box 1323
Arlington, VA 22210-1323
(703) 451-8580
Paul Robinson, president

Family Mediation of Greater Washington
10300 Eaton Road
Fairfax, VA. 22030
(703) 522-7628
Laurence Gaughan, Esq., mediator

Canada

NCCR chapter of Canada
P.O. Box 77007
Ottawa South, RPO
Ottawa, Canada K1S-5N2,
Canada
613-231-7931
Richard MacCourt, coordinator

National Commission Emphasizes 2-Parent Family

The National Commission on Children, a bi-partisan commission created in 1987, issued a report in June, 1991 that stressed the importance of the two-parent family. But critics contend the remedies proposed by the Commission would benefit single-parent families, increase welfare costs, and expand the role of the government in the family.

In its "Principles for Action," the commission says:

- "Parents bear primary responsibility for meeting their children's physical, emotional, and intellectual needs and for providing moral guidance and direction. It is in society's best interests to support parents in their childrearing roles, to enable them to fulfill their obligations, and to hold them responsible for the care and support of their children."
- "Children do best when they have the personal involvement and material support of a father and a mother and when both parents fulfill their responsibilities to be loving parents."
- "The family is and should remain society's primary institution for bringing children into the world and for supporting their growth and development throughout childhood."

The commission's most controversial recommendation is for



Sen. Jay Rockefeller

a \$1,000 refundable child tax credit for all children through age 18.

The White House's immediate reaction to that recommendation was that it would be a "budget buster," costing the treasury perhaps \$50 billion a year.

Doug Besharov, of the American Enterprise Institute, told a Congressional committee shortly after the Commission's report was issued, that he was not sure it was a good idea to offer a \$1,000 credit per child with no strings attached to every teenage parent who has a child.

Other critics have said the "assured income security plan" proposed by the Commission would raise taxes for functioning two parent families in order to provide

further income transfers to single parent families.

Although the commission urged that welfare be reoriented as short-term relief, it also called for government to help with child care costs, family support programs, and various health care costs "for the underserved population."

The Commission gave no price tag as to what these proposals might cost in terms of increased taxes or welfare costs.

The Commission was chaired by U.S. Sen. Jay Rockefeller (D-WVA).

Three Reports on Costs of Raising Children

Three recent Federal Government reports dealing with the costs of raising children are now available. They are:

- the "Estimates of Expenditures on Children and Child Support Guidelines" prepared by Lewin/ICF, a research group based in Washington, D.C.;
- "Alternative Estimates of the Cost of Children from the 1980-86 Consumer Expenditure Survey" prepared by David M. Betson of the Department of Economics, University of Notre Dame, South Bend, Indiana.
- "Expenditures on a Child by Husband-Wife Families: 1990," issued by the U.S. Department of Agriculture.

Order copies from the USDA at (301) 436-8461.

Background: Although there are five earlier studies of the costs of raising children in marriage, with widely varying results, there is no study of the costs of raising children of divorce. Congress authorized a study of these and other costs of raising children as part of the 1988 Family Support Act.

Lewin/ICF completed a study initially prepared by Betson, in order to attempt to comply with the requirements of the Family Support Act. Persons wishing to analyze the economic data relied on by Lewin/ICF

should also examine the underlying material prepared by Betson.

NCCR was assured that copies of the Lewin/ICF and Betson studies would be available from the U.S. Department of Health and Human Services and other public sources. However, copies of these two reports are not yet being made available.

NCCR has obtained a copy of the Lewin/ICF and Betson reports. We are reproducing copies and mailing them to interested persons. The copies each consist of about 200 pages. They can be ordered from NCCR for \$20.00 each (by check, money order or MC or Visa, includes postage and handling).

Send orders to:

John Siegmund, c/o NCCR
330 G Street S.W.
Washington, D.C. 20024

NCCR welcomes any analysis by you of these reports. Please send your analysis to Mr. Siegmund.

Per Capita versus Marginal Costs

Ron Henry, who wrote the winning brief on behalf of NCCR and a women's bar group that led a court to overturn the Washington, D.C. Child Support Guideline says this:

The USDA report will help those who wish to understand and refute the "per capita"

analysis used in projecting the costs of children. All economists understand that children are a "marginal cost" in a household and a "per capita" always dramatically overstates the costs of rearing the children.

Considering the need for a kitchen, for example, the USDA report falsely assumes that 50 percent of the kitchen expense is caused by the children in a family with two children. In other words, the report assumes that the addition of two children by a childless couple means that the family will need two kitchens.

A converse application of this same faulty assumption means that a childless couple needs only one-half of a kitchen and that a non-custodian needs only one-fourth of a kitchen. The reality is that all examples need exactly one kitchen. The "marginal cost" of the children is zero except to the extent it can be shown that families with children need and actually acquire bigger kitchens, dining rooms, living rooms, etc.

The marginal cost is determined by comparing actual housing expenditures of different-sized families. A family with two children may buy a bigger house (e.g. more bedrooms) but it is unlikely to spend twice as much as a childless couple.

Here are a few selections from The
National Council for Children's Rights

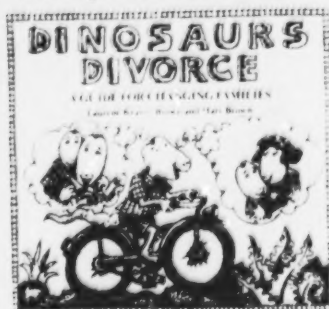
1991

CATALOG OF RESOURCES

for parents
and professionals

The NCCR catalog lists more than sixty books, written reports, audio-cassettes, model bills and gifts for children. Members can receive additional free copies of the catalog by contacting NCCR. Non-members can order one for \$1.00. Write: NCCR, 220 I St. N.E., Suite 230, Washington, D.C. 20002-4362.

Send all book orders to: NCCR Books, P.O. Box 5568, Friendship Station, Wash., DC 20016. Add \$2 for 1st book, 50¢ each add'l book for shipping and handling.



Especially for Kids

Dinosaurs Divorce, by Laurene Krasny Brown and Marc Brown. Cartoon style, story form to help children 4-12 understand divorce words and what they mean, why parents divorce, how children feel, having two homes. Endorsed by *N.Y. Times*, *American Bookseller*, *School Library Journal*, and *Publishers Weekly*. **BKK-102 — 31 pages. \$4.70**

Especially for Parents

Divorce Book for Parents, Vicki Lansky. Draws on her own experience, that of hundreds of other parents, and professionals, to give sound advice on how to help your children survive and even thrive ... and remain true to themselves at the same time. **BKP-204 — 255 pages. \$18.95.**

Fathers' Rights — The Sourcebook for Dealing with the Child Support System, by John Conine. Authored by a child support enforcement officer who worked for many years at both the state and national level. Suggests how to change a biased system to deal impartially with husbands, wives and children. **BKF-406 — 220 pages, hardback. \$17.95.**

Especially for Stepparents

Making it as a Stepparent, New Roles/New Rules, by Claire Berman, director of public education, Child Welfare League of America. Provides practical help and insights into the many challenges and rewards of step-families. **BKS-302 — 202 pages. \$7.95.**



Mediation

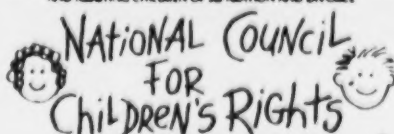
Mediating Divorce, by John M. Haynes Ph.D., and Gretchen Haynes. M.A. John Haynes, founding president of the Academy of Family Mediators, and trainer of about 5,000 judges, lawyers and therapists in mediation, and Gretchen Haynes show how mediation techniques can be applied. **BKE-602 — 310 pages, hardback published 1989, \$27.95.**

Child Abuse

The Parental Alienation Syndrome and the Differentiation Between Fabricated and Genuine Child Sex Abuse, by Richard A. Gardner, M.D., an authority on the Parental Alienation Syndrome (PAS). **BAK-801 — 314 pages, hardback, \$20.00.**

The Parental Alienation Syndrome
and the Differentiation Between
Fabricated and Genuine
Child Sex Abuse

Richard A. Gardner, M.D.



220 I Street N.E., Ste 230,

Washington, D.C. 20002-4362

Address Correction Requested

Non Profit Organization
U.S. Postage
PAID
Washington, D.C.
Permit # 881

Please Reprint This in Your Newsletter or Journal



NATIONAL COUNCIL FOR CHILDREN'S RIGHTS



We are proud of your achievements, NCCR! Sign me up and send me the benefits listed below. Enclosed is my tax deductible contribution as a:

- ☐ New member, \$35 ☐ Sustaining member, \$60 ☐ Sponsor, \$125
☐ Life member, \$500 ☐ Other \$ _____
☐ I can't join now, but here is my tax-deductible contribution of \$ _____

PLEASE CHECK ALL THAT APPLY.

- ☐ MC ☐ VISA CC# _____ Exp. date _____

NCCR # _____ if renewal or change of address, see NCCR number on label.

Title _____ (Mr., Ms., Dr., Rev., etc.)

Name _____ (Must be provided.)

Suffix _____ (ACSW, MD etc.) Nickname _____ (Optional.)

Organization (48 Character maximum): _____

Delivery Address (48 Character maximum): _____

City _____ State (2 characters) _____

Zip code _____ - _____

Country _____ (If other than US.)

Organization phone _____ Home phone _____

Work phone _____ If organization is listed in NCCR Directory, organization phone number will be listed.

Individual and work phone numbers are for NCCR internal use only.

Fax number _____ Chapter name, if affiliated with NCCR _____

As a member, please send me *Speak Out for Children* (NCCR's Quarterly Newsletter), Catalog of Resources (in which I receive discounts) and the following at NO ADDITIONAL COST:

- "A Child's Right - 2 Parents," Bumper Sticker.
- FREE! A \$10 VALUE — A 32-page report, *Written Preliminary Proceedings from NCCR's 1990 Fifth Annual Conference* (submitted prior to conference). Includes 18 different reports including Child Sexual Abuse, New Access (Visitation) Research, What is Happening in the Black Family, How to Avoid a Parentectomy, and Activities of the ABA's Center on Children and the Law.

For my membership of more than \$35.00 or renewal, send me a list of free items I'm entitled to (the higher the contribution, the more items that are free).

If you are an individual member of NCCR, your name may be given on occasion to other children's rights organizations, organizations that support NCCR, or individuals seeking a referral for help. If you do not want your name to be given for these purposes, please check here ☐.

Call (202) 547-NCCR (6227) to charge your membership to a credit card, or
send completed form to NCCR, 220 I Street N.E., Suite 230, Washington, D.C. 20002-4362.

Bulk copies of this newsletter are available (20 for \$15, 50 for \$30, and 100 for \$59) for distribution to policy-makers, judges, and interested persons in your state. Send order to NCCR.

National Council for Children's Rights

NEWS UPDATE!!!

April, 1991

NEWS UPDATE!!!

Applications for Access/Visitation Grants

If you want an application for an access grant, call Ken Manaha at the U.S. Department of Health and Human Services (HHS) at (202) 401-5372. HHS has promised to mail applications promptly. If you have trouble getting an application from HHS, contact NCCR. (Remember that only a state funded agency or institution can file for a grant; but you could arrange with the agency to be a subgrantee).

NCCR has obtained the "smoking gun"

HHS officials have admitted in testimony to Congress that recipients of public assistance underreport their income by as much as 23%. This confirms NCCR's belief that child support often going to these recipients is also being underreported by the Census Bureau. This distortion of data seriously affects public policy as written by lawmakers. For a copy of the HHS testimony to Congress where the underreporting is admitted, contact NCCR. NCCR members send \$5. Non-members, send \$10.

Rebuttal to ACES on Access

An Ohio based group, ACES, has sought to portray a family study as indicating that fathers are not important to their children. For a fully-researched NCCR rebuttal to this claim (by NCCR vice president Anna Keller and NCCR researcher Dan Gold), contact NCCR. NCCR members send \$10; non-members send \$15.

Interstate Access/Visitation Commission

Good news! Senator Bradley (D-NJ) has finally agreed, in a letter to NCCR and the New Jersey Council for Children's Rights, to not oppose the establishment of a national access commission. So disregard the request in the Winter 1990/91 newsletter to write to Sen. Bradley. Thanks to all of you who wrote to Sen. Bradley urging him to not oppose the creation of a commission. You may wish to write to Sens. Durenberger and Grassley, thanking them for their previous efforts to create a commission, and urging them to again try to get Congress to create one. The address for all senators is Sen. ---, Washington, D.C. 20510.

48 HOURS

As many of you know, CBS's "48 Hours" has delayed its broadcast of access problems. The broadcast is now expected during April or May, so you have time to contact the local CBS affiliate in your area. Ask the affiliate to do a report on access problems in your area just before or just after the "48 Hours" broadcast. NCCR wishes to acknowledge NCMC, FAPT, and others who were instrumental in getting 48 Hours to do this upcoming broadcast from Georgia.

Next NCCR Conference

The next NCCR conference will be held in March, 1992, not in 1991. More details later.

National Council for Children's Rights

ACTION ALERT !!! ACTION ALERT !!!

A program that is a model for the country on how to resolve custody disputes in a non-adversarial way, with a high degree of shared parenting, is about to fall to the budget ax.

The award-winning Wyandotte County (Kansas City, Kansas) pre-court trial services is subject to budget cutting in Kansas. It would only take \$100,000 a year in salaries to maintain this program past April, 1991, when current funding is expected to terminate.

The program, run by Mickie James and Bev Willis, helps thousands of parents and children avoid custody battles, and has served as a model to other jurisdictions around the country.

All divorcing parents must attend the 2-hour program, which includes a 45-minute film on do's and don'ts for parents. The emphasis on sharing of children rather than fighting over them leads most parents to shared parenting agreements, says NCCR "Healer" award winner Bev Willis.

Please write immediately to
Governor Joan Finney,
Speaker of the House Marvin Barcus, and
President of the Senate Bud Burke.

The address for all three is State House, Topeka, KS 66612.

Tell them:

- * the pre-court trial services in Wyandotte County (and any similar programs in other Kansas counties) should be continued;

- * thousands of children and parents are helped by this early intervention program when parents are separating;

- * this program is a model for the country. The country is watching to see what Kansas does.

Your letters are vitally important. Three short letters count for more than one long letter. Write--and get your friends and associates to write. Please write as soon as you can.

If you like, send a copy of your letters to Bev Willis and Mickie James, Wyandotte County Court House, 7th and Ann Streets, Kansas City, KS 66101, phone (913) 573-2833.

Thank you.

ACTION ALERT !!!

ACTION ALERT !!!

A NON-PROFIT, TAX EXEMPT ORGANIZATION STRENGTHENING FAMILIES AND ASSISTING CHILDREN OF DIVORCE

721 2nd Street N.E., Washington, D.C. 20002

NATIONAL COUNCIL FOR CHILDREN'S RIGHTS

NEWS UPDATE! NOVEMBER 1991 NEWS UPDATE!

JOINT CUSTODY AND VISITATION PRODUCE MORE SUPPORT

For the first time, a federal government agency has shown the relationship between joint custody, access (visitation) and financial child support. In a Census Bureau report entitled "Child Support and Alimony: 1989" released Oct. 11, 1991, it was reported that fathers with joint custody pay 90.2% of child support owed, fathers with visitation pay 79.1% of child support owed, and fathers with neither visitation nor joint custody pay only 44.5% of support owed.

The same report stated that 54.9% of fathers have visitation, and 7.3% of fathers have joint custody. This means that 37.8% of fathers have neither visitation nor joint custody.

NCCR has already begun to use this important new finding in media appearances and recommends its use nationwide.

Your argument could go this way: Proponents of the current system of financial support admit the system is not working. The Census Bureau points the way to a system that WORKS--at less taxpayer cost.

Let's have more joint custody (shared parenting) and more access (visitation). Not only will this improve parenting for children, but it will also assure more financial child support, according to the Census Bureau data.

NCCR thanks the many NCCR supporters who have written to the Census Bureau, to the U.S. Dept. of Health and Human Services, and to Congressmembers, urging more reliable data collection. We ask you to now contact Gordon H. Lester, Income Statistics Branch/HHES, Room 307-1, Iverson Mall, Census Bureau, Washington, D.C. 20233, phone (301) 763-8576.

Thank them for collecting the above data, but note that it is based only on income reported by mothers with custody. Request that the Census Bureau also ask: fathers without custody what they pay; mothers without custody what they pay; fathers with custody what they receive; joint custody parents what they pay or receive; custodians and non-custodians what they spend directly on the child when the child is with them; and the value of in-kind contributions.

Copies of the Census Bureau Report are available from the U.S. Government Printing Office, Washington, D.C. 20402, phone 202-783-3238. It is "Current Population Report on Consumer Income," Series P-50-No. 173, Order No. 803-005-30020-O-W. Enclose a check for \$2.50.

HHS ANNOUNCES FOUR WINNERS IN SECOND YEAR OF ACCESS GRANTS

The grants, purpose and amount of grant, contact person and phone number as announced by the U.S. Department of Health and Human Services (HHS) in October, 1991 are:

(over)

1. The Arizona Supreme Court will establish a telephone enforcement program for court-ordered visitation to compare random versus systematic follow-up on scheduled visitation. Some parents will be contacted after every visit, others will be contacted monthly, for comparison purposes.

\$383,663. Contact: Jack Shaughnessy, 602-506-3748.

2. Boise State University, Idaho, will add a child welfare component to the access grant they received from HHS last year. They will assess four ways to manage and reduce tension and conflict in the divorce process, encourage visitation quality and quantity, and test the effects on children. \$375,000. Contact: David Scudder, 208-362-0658.

3. The Department of Human Services, State of Iowa, subgrantee Dick Woods, Fathers for Equal Rights, Inc., Des Moines, will set up a multi-faceted program of mediation, access counselling, and procedural techniques to facilitate access (such as supervised visitation for alleged child abusers), rage management classes, and education and media releases. \$299,773. Contact: Wayne McCracken, 515-281-8978.

4. The University of Massachusetts at Boston will administer two different treatments. One group will receive an education program for divorcing parents and hotline services for dealing with continuing problems. The other group will be taught ways to resolve future visitation problems. \$334,866. Contact: Robert Weiss, 512-287-7275.

Grantees have until September 30, 1994 to complete the programs funded by the grants.

NCCR is listed as an unpaid advisor for three of the grantees--Massachusetts, Idaho, and Iowa.

HHS also announced that Policy Studies, Inc., in Denver, headed by Robert Williams, will receive an additional \$500,000 (in addition to the \$500,000 awarded last year), to conduct an evaluation of the grants ordered by Congress in the 1988 Family Support Act (P.L. 98-378). Williams, at 303-863-0900, will be assisted by the Center for Policy Research, Denver, headed by Jessica Pearson, 303-837-1555.

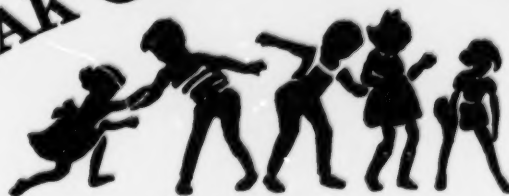
"KIDSRAP" NEEDS TO HEAR FROM KIDS AGES 5-18

Do you have a child aged 5-18 who would like to say a few words about his or her experiences in divorce, in writing or by voice cassette? Or would your child like to "draw" his/her experience? The words or art would appear in the first issue of "KIDSRAP", being prepared by Bryan Miskie. Please send your submission to Brian Miskie, 10401 Grosvenor Place, Rockville, MD 20852, phone 301-530-9206 (eves). NCCR wishes to assist in what could be an important newsletter by and for children, with possible distribution to kids pages in newspapers, but Bryan must receive some submissions by December 31, 1991. Please help. Thank you.

RIDES TO CONFERENCE

Bev Willis, a force behind the Wyandotte County pre-court trial services, would like a ride to the NCCR conference March 19-22, 1992, from anyone in the Kansas/Missouri area. Share expenses! Please call Bev at 913-573-2833 (days).

SPEAK OUT FOR CHILDREN



TM

The Quarterly Newsletter of The National Council for Children's Rights, Inc.
220 I Street N.E., Suite 230, Washington, DC 20002-4362 (202) 547-NCCR

IN THIS ISSUE:

Letters to the Editor 3

Bills and Resolutions
in Congress 6

NCCR Chapter News
Roundup 7

In the Courts 8

Furstenberg Earns an
"F" 10

Children of Divorce
..... 13

Model Bills 14

Announcements
..... 15

Reports Relating to
Children 16

Around the Country
..... 18

At NCCR Conference

Analysts to Discuss Families of Divorce

"How to Encourage the Two-Parent Family, Especially After Divorce," is the subject of a discussion to take place between leading liberal, conservative, and other analysts on family issues during the NCCR conference.



Sen. Dan Coats

Although leading analysts on family issues have discussed family issues together several times during the past year, in an effort to forge commonly accepted approaches, this may be the first time that they will focus on the needs of children of divorce, said NCCR co-founder Elliott H. Diamond.

The discussion will take place at the start of NCCR's Sixth National Conference, Thursday, March 19, 9 a.m. to 12:00 noon, at Room G50 of the Dirksen Senate Office Building, across the street from the U.S. Capitol.

Participants will include:

- Ronald K. Henry, partner, Baker and Botts law firm
- Elaine Ciulla Kamarek, Senior Fellow,

the Progressive Policy Institute

- William A. Mattox, Jr., Director of Policy Analysis, the Family Research Council

- Robert Rector, Policy Analyst, the Heritage Foundation

- Debbie Stabenow, state Senate, Michigan, author of Michigan's "Support and Visitation Law"

- Barbara Whitehead, Ph.D., Research Associate, the Institute for American Values



Sen. Christopher Dodd

See Conference on page 4

THE FAMILY CIRCUS



Reprinted with permission from King Features, Inc.

NCCR's Sixth National Conference March 19-22, 1992

See pages 4 and 5 for details!

PS 021 264

SPEAK OUT FOR CHILDREN is published by the National Council for Children's Rights, Inc.

Editors: David L. Levy, Elliott H. Diamond.

Contributors to this issue:

About NCCR

The National Council for Children's Rights (NCCR) is a non-profit [IRS 501(c)(3)] organization, based in Washington, D.C. We are concerned with the healthy development of children of divorced and separated parents. For the child's benefit, we seek means of reducing divorce by strengthening families through divorce and custody reform, minimizing hostilities between parents who are involved in marital disputes,

OFFICERS:

David L. Levy, Esq., President
Anna Keller, Vice President
John L. Bauserman, VP/Treasurer
Ellen Dublin Levy, Secretary

HONORARY CHAIRMAN

Mark Goodson, TV Producer
Beverly Hills and New York

CHAIRMAN:

Stuart W. Cochran II
founder, America's Children Tomorrow (ACT)

GENERAL COUNSEL:

Michael L. Oddenino

DIRECTOR OF PUBLICATIONS:

Deanne Mechling

DIR. OF INFORMATION SERVICES:

Ed Mudrak

ADVISORY PANEL:

Rabbi Mendel Abrams, D. Min.
Former President, Board of Rabbis
of Greater Washington, D.C.

Sam Brunelli, Executive Director
American Legislative Exchange Council

Stuart Cochran, Paul Kirschmeier,
David Dinn, Dr. Arthur Katz, Ken
Skilling, Deanne Mechling, Ed
Mudrak, Charles Davis.

The material in this issue is copy-

substituting conciliation and mediation for the adversarial approach, assuring a child's access to both parents, and providing equitable child support.

NCCR was founded in 1985 by concerned parents who have more than 40 years collective experience in divorce reform and early childhood education.

Prominent professionals in the fields of religion, law, social work, psychology, child care, education,

Jim Cook, President
The Joint Custody Association

"Dear Abby"
(Abigail Van Buren)

Honorable Dennis DeConcini
U.S. Senator, Arizona

Karen DeCrow
Former President of N.O.W.

Elliott H. Diamond,
Co-Founder, N.C.C.R.

Honorable David Durenberger
U.S. Senate, Minnesota

Meyer Elkin, Co-Founder
Association of Family & Conciliation Courts

Warren Farrell, Ph.D., Author,
Former Member of the Board of
Directors New York City N.O.W.

Doris Jones Freed, Esq., Co-Chair
New York State Bar Association Family Law
Section's Custody Committee

Larry Gaughan, Law Professor,
Professional Director, Family Mediation
of Greater Washington, D.C.

Herb Goldberg, Ph.D., Author, Professor
of Psychology, California State University

righted by NCCR 1992. However, all material may be reproduced, if attribution is given as follows: "From 'SPEAK OUT FOR CHILDREN,' published by The National Council for Children's Rights."

business and government comprise our Advisory Panel.

For further information about membership, publications, cassettes, catalog, and services, write: NCCR, 220 I St. N.E., Washington, D.C. 20002, or call (202) 547-NCCR (6227).

SPEAK OUT FOR CHILDREN is published at least four times a year and is sent free to members. Send letters, comments, and articles for publication to Editor, NCCR.

Ronald T. Haskins, Ph.D., Associate
Director, Bush Institute for Child and
Family Policy, U of NC

Jennifer Isham, President, Mothers Without Custody
(MWOC), Crystal Lake, IL

Joan Berlin Kelly, Ph.D.,
Executive Director
Northern California Mediation Center

Vicki Lansky, author/columnist
Deephaven, Minnesota

James Levine, The Fatherhood Project,
The Bank Street College of Education

Dr. Carl H. Mau, Jr.,
General Secretary
Lutheran World Federation
(1974-85)

John Money, Ph.D., Professor of Medical Psychology and
Pediatrics
Johns Hopkins University and Hospital

Sue Klavans Simring
Co-Director Family Solutions
The Center of Divorce and Custody Consultation

Honorable Debbie Stabenow, Chair
Mental Health Committee
House of Representatives, Michigan

Carol Stack, Ph.D., Director, Center for the Study of the
Family and the State
Duke University

NCCR Needs Photocopier

NCCR still needs a photocopy machine for its office. Please donate one to us, or funds to buy one, and get a tax deduction for your contribution!

Also, if you are interested in volunteering your expertise, we need assistance in public relations, fund-raising, membership development, tax issues affecting the family, advocacy, research and writing.

If you would like to form an NCCR chapter in your state, city or county, please write to NCCR, and we will send you information.

Legal Help

If your case is on appeal, and involves a broad legal principle (such as joint custody/shared parenting, parental kidnapping, or the fairness of some domestic relations law or procedure), NCCR may be able to file an amicus curiae (Friend of the Court) brief, as we have done in other state appeal court cases. For information, please contact NCCR.

Corrections

We have been asked by Dr. Joan Kelly to clarify that the placement of her photo on the same page as an

NCCR evaluation of research by Frank Furstenberg, Ph.D. (Spring/Summer issue) was not intended to signify that Dr. Kelly was commenting in any manner on Furstenberg's research or supportive of our evaluation. We regret the embarrassment to her caused by this action.

We mentioned in our Fall newsletter that only the U.S. and five other countries have failed to sign the United Nations Convention on the Rights of the Child. Although NCCR supports the Convention, we have since learned that more than 30 countries have not yet signed the Convention.

Letters to the Editor

I want to thank NCCR for the award given at its 1990 Conference to *Single Parents Magazine* of Parents Without Partners, for Excellence in Magazine Writing on Children of Divorce.

So far as I can determine, this is the first time, in 35 years of publication, that *The Single Parent* has been given an award by an organization or entity. If for no other reason, the award would have given me pleasure. The pleasure is enhanced, however, by the fact that the award came from a children-oriented organization, since we, too, are children-oriented.

The plaque will be hung in a prominent position, for all to see.

Sincerely,
Allen Glennon, Editor

In 1982, my three children were abducted by their father. I spent the next five years searching for them. I went to the school that my son had attended for three years before he was abducted. They were sympathetic with me and sad to hear that this had happened — but there was no notice in their records that a request of records for transfer had been sent for.

I decided to check the schools where my ex-husband's relatives lived. Some schools said they had no children by the names I supplied in their school district and others would not even consider checking for me. One school superintendent told me that he could not "stick his neck out" in such a way as to disclose confidential information.

For quite some time, I accepted this answer. I went from searching for the kids to researching the law at the state law library. I studied for about a year, learning about the UCCJA (Uniform Child Custody Jurisdiction Act) and UFAP (Unlawful Flight to Avoid Prosecution).

I stumbled across FERPA (Family Educational Rights and Privacy Act) at the library. I wrote to the U.S. Department of Education asking for

copies of any laws that would help me get the information I needed from the schools.

They sent me a thick packet of material, in which they had highlighted the laws that pertained to my situation. The cover letter was warm, caring and supportive. Now, I felt, I was getting somewhere.

I wrote back to the last school that my son had attended before he was abducted. They called and said they could not send any records as it might violate some form of confidentiality provision concerning custody and who had rights to the child and so on.

I realized how foolish it was of me to argue with them because I had FERPA to back me up. I wrote the school a letter which included the following paragraph:

"As my child's legal parent, I am requesting a copy of his records and transfer information. I am entitled to this information under the FERPA law of 1974, title 34, sub-part B, S99.11. (a), (b), (i), (2) and (c)."

Within two weeks, I had progress reports, teachers notes, medical records and transfer information. I wrote to each school, following the transfer information, and including my "magic" paragraph stating the FERPA law.

Six months later I had my kids home with me, thanks to FERPA and their help.

To file a complaint with FERPA, write: Student and Family Education, Rights and Privacy Office, U.S. Department of Education, Washington, D.C. 20202.

The following information should be included:

- the exact name of the school and school district
- the correct address
- the name, title and telephone number of the chief officer (Superintendent, Principal or other title)
- the names of the students who are the subjects of the complaint
- the names and titles of the school

officials with whom the complainant has dealt

- the complainant's complete address and daytime telephone number
- the pertinent data and circumstances surrounding the school's denial of or violation of the complainant's rights.

If the complaint concerns a school's denial of the right to inspect and review the education records, the date of the request for access should definitely be included. Under FERPA, a school has 45 days in which to respond to such a request.

Bonnie Bachant
Etters, PA

Editor's note: Bonnie is a resource for members of Mothers Without Custody and other persons who want information on how to find their children, if missing. She will charge a reasonable fee for her services. Her phone number is (717) 938-0293.

Elwyn M. Shaw, CPA

- Federal and state tax preparation
- Tax audit and collection division representation
- Financial advisory services
- Bankruptcy

Telephone: (713) 526-2908

NCCR's Sixth Annual Conference (from page 1.)

Author Luncheon Featured this Year with Dr. Richard Gardner, Vicki Lansky, and John Conine

Kamarck and Whitehead are described as liberals, while Rector and Mattox are conservatives. All are well known in the community of family writers and thinkers.

Senators Christopher Dodd (D-CT), chairman, and Dan Coats (R-IN), ranking minority, Senate Subcommittee on Children, Family, Drugs and Alcoholism, have been invited to participate.

NCCR hopes the discussion will touch upon ways to encourage family formation and family preservation. NCCR believes that the model of parenting behind family and family preservation — two parents — is the model that should be followed in the event of family dissolution.

NCCR expects the discussion to explore ways that society, the legislators, and the courts, can better encourage fathers and mothers to remain emotionally as well as financially involved in their child's lives post-divorce.

A discussion was held by liberals and conservatives on Oct. 30, 1991 (See *Washington Post* 10/31/91) that touched upon family issues, but not as much as NCCR would like to see family issues explored at the Capitol Hill session on March 19.

Westpark Hotel Site

Most events at NCCR's Sixth National Conference will take place at the Westpark Hotel in Arlington, Virginia, just across the Key Bridge from the Georgetown section of Washington, D.C.

The conference will last from March 19 through 22, with a few pre-conference events scheduled for the evening of March 18.

The theme for the conference is "The Best Parent is Both Parents."

The Westpark Hotel has a commanding view of the Potomac River and features an indoor pool, whirlpool, sauna and exercise room, restaurant, coffee shop, laundry room, same-day valet service, and free indoor parking.

The monuments of Washington are visible from the restaurant on the 13th floor. The hotel, which is located at 1900 North Fort Myer Drive, is two blocks from a Metro (subway stop), 10 minutes by subway or car to National Airport, and a 10 minute walk across the Key Bridge to Washington, D.C.

Speakers at the Conference

- Dr. Joan Berlin Kelly, Corte Madera, CA., co-author of *Surviving the Break-up*, will speak about her evaluation of sole and joint custody studies;
- Jessica Pearson, of the Center for Policy Research, Denver, CO., a major researcher on financial and emotional child support, will present her findings on access/visitation research she is now conducting;
- Isolina Ricci, author of *Mom's House, Dad's House*, and statewide coordinator, Office of Family Court Services, Administrative Office of the Courts, California, who will speak on joint custody;
- Claire Berman, author of *Adult Children of Divorce Speak Out* (1991), will speak on "What is 'Normal' for Stepfamilies?"; and
- Douglas Besharov, former director, the U.S. National Center on Child Abuse and Neglect (NCCAN), will speak on child abuse.

The conference will include workshops, a bookfair, a book and author luncheon, and a vigil at the Lincoln Memorial (similar to one held at our 1990 conference) on behalf of the 6,600,000 children of divorce who have difficulty seeing their non-custodial parents because of interference from the custodial parent.

Please plan to attend.

Author Luncheon

Dr. Richard Gardner, a national expert on the parental alienation syndrome (PAS), will be



Dr. Richard Gardner

a speaker at the annual book and author luncheon at the conference on March 20. Gardner is author of *The Parental Alienation Syndrome and the Differentiation Between Fabricated and Genuine Child Sex Abuse*.

Vicki Lansky, who has written more than 20 books on parenting, including *Divorce Book for Parents*, and who is a columnist for *Family Circle Magazine*, will also speak.

Other authors expected and their books are:

- John Conine, *Fathers Rights-The Sourcebook for Dealing with the Child Support System*;
- Stephen P. Herman, M.D., *Parent vs. Parent*;
- Marcia Lebowitz, *I Think Divorce Stinks*;
- Leonard Marlow, J.D. and S. Richard Sauber, Ph.D., co-authors of *The Handbook of Divorce Mediation*.

The event will be emceed by Adrian Cronauer, Esquire, the real-life announcer portrayed by Robin Williams in the movie, "Good Morning, Vietnam."

Awards Time

At NCCR's conference, NCCR will present the annual Chief Justice Warren E. Burger awards for "healers" among lawyers, judges and others, and

its annual Media Awards for the best and worst treatment of children of separation and divorce in the media or advertising.

For criteria for nominations, please see the Fall, 1991 issue of *SPEAK OUT FOR CHILDREN* or contact NCCR.

The deadline for nominations has been extended until February 15, 1992.

The 1992 winners will be invited to receive their awards in person at the conference. The persons who nominate the winners will be asked to make



Chief Justice Burger

Continued on next page.

Continued from previous page.

the presentations at the conference to the winners on behalf of NCCR.

Auction

NCCR will hold an auction at the conference. Here is your chance to win items for you, your children, or other members of your family. If you would like to donate a new or craft item to be auctioned, please send it to John Siegmund, 330 G Street S.W. Washington, D.C., or bring it to the conference. Please donate two or three small items rather than one large item.

Ads in Conference Proceedings Booklet

For the first time, NCCR is accepting ads for the glossy, printed Conference Proceedings Booklet that contains various presentations submitted prior to the conference. About 3,000 copies of this booklet are distributed during the conference and afterward. This is your opportunity to reach NCCR supporters, members of the media, and public policy officials, who receive copies of this Booklet.

The rates are as follows:

Three lines:	\$ 25.00
Quarter page:	50.00
Half page:	95.00
Full page:	185.00

Please send ad copy to:

Cliff Clark, c/o NCCR
1714 N. Troy Street, #799
Arlington, VA 22201
(703) 527-6252.

Help make NCCR's conference a success, and also extend greetings in the Conference Proceedings Booklet. The deadline for all copy is Feb. 20, 1992.

Affinity Card Supports NCCR

Supporters of NCCR can take out a Visa card, and every time they use it, NCCR receives a small fee. The card is free for the first year.

This is the result of an agreement NCCR has reached with MBNA America of Newark, Delaware, the bank that issues the cards. By now, all

Cha, the noted Alaskan artist, has donated a fine sculpture entitled "Alaska Child" to NCCR. The sculpture, a fossilized-ivory carving mounted on ebony, is valued at \$1,600.

NCCR will issue only 1,000 raffles for the sculpture. They are available for \$2.00 each, or three for \$5.00. One raffle is given free to every registered participant at our Sixth National Conference.

The drawing for this raffle will be held Saturday, March 21, 1992, at the conference banquet. You do not have to be present to win. All proceeds go to NCCR, thanks to Cha. We thank Sandra Armstrong, former Alaska coordinator for NCCR, for arranging for this valuable donation.



Alaska Child

Cha (whose name is no last name), is a native of New Mexico, who came to Alaska in 1947. She maintains her studio in Juneau. She sculpts in rare and exotic materials such as fossilized walrus tusks, teeth and prehistoric bones from extinct animals such as the woolly mammoth, sabre-tooth tiger, and cave bear. The bones range in age from 5,000 to hundreds of thousands of years ago.

The ebony frame that houses the carving measures 6" high by 4" wide, by 2" deep. The image of the Alaskan Child occupies about 1/3 of the area of the ebony frame. The frame may stand upright on a desk or in a display cabinet.

Please complete the raffle ticket below

Please send me ____ (number) of raffle tickets, at \$2.00 apiece, or 3 for \$5.00, for the outstanding Alaska Child fossilized-ivory sculpture by noted Alaskan artist Cha. I understand only 1,000 tickets are available.	
Your name _____	
Address _____	
City _____	
State _____ Zip _____	
I enclose \$_____ in the form of check ____ money order ____ or charge my	
Visa or MC Number _____	
Expiration date _____	
Send this order to	
Dr. Gary Santora, c/o NCCR • 6607 Whittier Drive • McLean, Virginia	
22101 • (703) 893-6325	
Do NOT send to the NCCR office.	



supporters of NCCR should have received a notice in the mail, letting them know of the availability of this VISA card. Because the VISA card benefits an organization, in this case, NCCR, it is called an "affinity card" (affinity between the VISA card and an organization).

We appreciate the supporters of NCCR applying for and using this card.

To apply for the card, please call toll free at 1-800-847-7378, extension 2500. Tell them you want an NCCR Visa card. Visa is a registered trademark. Even if you have a spotty credit background, you may be eligible for this credit card. If you get turned down, call back and explain why your credit is less than perfect (e.g. custody or access battle).

Bills and Resolutions in Congress

A bill requires a state or persons to do something; a resolution expresses the wishes of Congress, but does not require action. H. or H.R. refers to the House of Representatives; S. refers to the Senate. Where there is one committee handling a bill, we have provided the committee's phone number; where there are several committees involved, we have provided the sponsor's phone number. You may call to check on the status of legislation, or to express your views. It is even more important to let your own Representative and Senators know your views.



Rep. Henry Hyde

H.R. 1241, to provide criminal penalties for flight to avoid payment of child support arrearages. Introduced by Rep. Henry Hyde (R-IL). Referred to Subcommittee on Crime and Criminal Justice, (202) 226-2406. NCCR urged, in a meeting with House staff, that all parts of a judge's order be respected by proposed federal law (see the Hague Convention on International Child Abduction and the proposed law on criminal penalties on international child abduction), by providing that interstate flight to avoid a custody or access (visitation) order also be protected in the bill. We recommend that you write to your House or senate member urging this, especially if you are constituents of Rep. Hyde (the bill sponsor) or Rep. Charles E. Schumer (D-NY), chairman of the Subcommittee on Crime and Criminal Justice (202) 226-2406.



Rep. Charles E. Schumer

H. Con. Res. 89, would express the wish of Congress that expert testimony concerning the nature and effect of domestic violence, including descriptions of the experiences of battered women, be admissible when offered in a state court by a defendant in a criminal case. Introduced by Rep. Connie Morella (R-MD), referred to House Judiciary Committee, (202) 225-3951.

H.R. 2055, to provide penalties for international parental kidnapping of children. Introduced by Rep. George Gekas (R-PA), and passed as an amendment to the House Crime Bill. A similar bill in the Senate, S. 1263, sponsored by Sen. Alan Dixon, passed as an amendment to the Senate Crime Bill. The two versions must now go to a House-Senate conference committee. The co-sponsors of the bill adopted NCCR's view that interference with visitation should be specifically mentioned in this bill, not just interference with custody. Gekas can be reached at (202) 225-4315 and Simon's phone number is (202) 224-2152.

H.R. 579, to make it a crime for a parent to kidnap a child from one state to another in violation of a valid custody order. Introduced by Rep. Major Owens (D-NY). NCCR has urged that any such bill also provide penalties for kidnapping by a custodial parent in violation of access/visitation orders. Referred to Judiciary Committee, (202) 225-3951.

H.R. 3151, would require employers who withhold wages from absent parents owing child support payments to pay their amounts withheld to appropriate agencies within 10 days after payment of such wages. Introduced by Rep. Olympia Snow (R-ME), and referred to Committee on Ways and Means, (202) 225-3625.

S. 1411, Middle Income Tax Relief and Family Preservation Act of 1991, would provide tax relief for those with low income (below \$12,000) and high income (above \$75,000), while providing no tax relief for those whose income falls between \$12,000 and \$75,000, according to an NCCR analysis. The bill would also establish a) child support demonstration assurance projects in up to six states under which the federal government would pay support not paid for by parents and b) a 21-member National Commission on Family Strengths, to enhance family stability and to study the economic impact of divorce on children.

Introduced by Sen. Christopher Dodd (D-CT), and referred to the Committee on Finance (202) 224-4515.

S. 4, to strengthen families and avoid placement in foster care, by providing intensive family services, family reunification services, and follow up services designed to strengthen families. Sponsored by Sen. Daniel Patrick Moynihan (D-NY), Sen. Lloyd Bentsen (D-TX) and others, and referred to Senate Finance Committee, (202) 224-4515.

Rep. Thomas Downey (D-NY) introduced a similar bill in the House, H.R. 571.

S. 701, to increase the personal exemption for dependent children under age 18 to \$3,500. Introduced by Sen. Coats (R-IN). Referred to Finance Committee, (202) 224-4515; similar to H.R. 1277, introduced by Rep. Frank Wolf, assigned to Ways and Committee, (202) 225-6649. NCCR has urged that the deduction for parents of divorce be split 50/50 between them, unless a judge rules to the contrary.

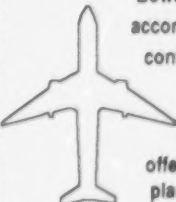
S. 15, The Safe Streets and Homes for Women Bill, introduced by Sen. Joseph Biden (D-DE), Similar to H.R. 1502, introduced by Rep. Barbara Boxer (D-CA), and referred to various House committees. Title IV of H.R. 1502, which provides for safe campuses for women (e.g. grants for campus rape education), passed the House under the Higher Education and Reauthorization Act. Senate Judiciary Committee: (202)

S. 803, to amend the Family Violence Prevention Act, to provide grants to states to fund state coalitions to prevent domestic violence. This was introduced by Sen. Harry Reid (D-NV), and is now included in Sen. Biden's bill, S. 15 (see above).

Directory Available

Copies of NCCR's third edition of its "Parenting International Directory" are still available. The Directory lists about 1,200 organizations in the U.S. and abroad involved in custody reform, mediation, parenting, and child support.

Order your copy of the third edition in hardcopy or on IBM 5 1/4" floppy disc for \$10.00 for NCCR members, and \$12.00 for non-members.



Bowen Travel handles air accommodations for NCCR conferences. We can also handle your everyday air travel needs. Bowen Travel offers the lowest possible plane fares available. Call them at 1-800-868-2129.

NCCR Chapter News Roundup

News from some of the 15 states and Canada where NCCR has chapters.

Alaska

JOBS Programs Helps Parents

The JOBS program for AFDC parents (Aid to Families with Dependent Children) has completed its first year of operation. Fifteen percent of welfare recipients who are required to participate in the program did so, double the federal



Gary Maxwell

requirement, according to Sandra Armstrong, who was appointed Alaska Welfare Reform Coordinator by Governor Walter J. Hickel (Independent).

Armstrong, who took over this job in March, 1991, said that low self-esteem, lack of parental role models, child abuse, neglect, drugs and alcohol, are factors contributing to the dysfunction that leads parents to rely on AFDC.

The JOBS program was created by Congress. As applied to Alaska, the program case-manages a variety of multi-agency resources, including mental health counselling, parenting classes, educational and job training programs to address the individual needs of welfare parents, said Armstrong.

Note: Armstrong, NCCR coordinator in Alaska for more than a year, has turned over the coordination role to Gary Maxwell, but will remain active with Alaska Moms and Dads, one of the three NCCR chapters in Alaska.

New Jersey

NJCCR Receives Tax-Exempt Status

The New Jersey Council for Children's Rights (NJCCR), recently received its federal tax-exempt 501(c)(3) approval from the IRS, which means contributions to NJCCR are tax-deductible. Two NJCCR members, Andrew Zwernemann and Rich Mar-

tin, did the necessary paperwork for NJCCR.

"The Children's Advocate," NJCCR's monthly newsletter, has recently published articles on fee arrangements with lawyers, tips for finding legal assistance at a modest rate, pro se help, and tips for long distance parents.

Erich Sturn is the new president of NJCCR. Bruce Gillman, who was president, is now chairman of the board. Gillman and Elaine Majewski edit the newsletter, and they, along with Bruce Eden, Arild Ringoen, Norman Wright, and others, contribute articles to it.

The November elections produced a Republican majority in the New Jersey legislature, which offers new opportunities to the NJCCR in Trenton.

NJCCR, the first and largest NCCR chapter, has 300 members who are also dues-paying members of NCCR.

Indiana

Group Receives \$5,000 Grant



David Dinn

lated to access/visitation.

The money was donated by the Lilly Endowment, the third largest endowment in the U.S., to assist in locating and securing additional funds for the operation of the C-CAP.

C-CAP is a 501(c)(3) tax-exempt organization whose purpose is to promote access of children to their parents, said Dinn.



Gillman and Majewski

C-CAP's board is comprised of family advocates and state government officials.

Also, at Dinn's suggestion, the Indiana legislature has created a broad-based, permanent financial child support advisory committee. The 12-member committee consists of four legislators, two judges, two attorneys, two professionals, and a non-custodial and custodial parent. Dinn is the non-custodial representative on the Committee.

Having the legislature rather than the judiciary establish a committee creates a broader base for long-term positive reform, said Dinn.

At three public hearings held by the committee so far, about 600 people testified, said Dinn.

Georgia

Candlelight Vigil Held

The Georgia Council for Children's Rights (GCCR) held its second annual Candlelight Vigil ("Flames for Children") on Jan. 12 in Atlanta, the night before the Georgia General Assembly went into annual session.



Sonny Burmeister

GCCR, an affiliate of NCCR, was host of the vigil. GCCR was joined by the following co-sponsors of the Vigil: Parents Without Custody (a group of mothers without custody), Fathers Are Parents Too, The National Black Men's Health Network, and the Georgia Alliance for Children. More than 150 people attended.

GCCR supports 10 bills before the General Assembly, including a presumption for joint custody and creation of a Family Court System for the state.

The head of GCCR is Sonny Burmeister.



In the Courts

Custody Case and Sex Abuse

In a decision that could significantly increase the intervention by federal courts on behalf of children, a U.S. judge has ruled that two Mississippi state judges violated a young girl's constitutional rights in granting custody to a father accused of sexually abusing her.

The ruling by U.S. District Judge William J. Barbour Jr. of Jackson, Miss., came in a seven-year old custody battle between the girl's parents, one of whom, the mother, accused the father of sexually abusing the child. The mother died in 1987. The girl was smuggled to persons in San Francisco after the mother's death, but surfaced two months later, and was then returned to Mississippi.

There, Judge Sebe Dale Jr. gave custody of the girl, Chrissy, to her father, who lives with his mother in Columbia, Miss.

Judge Barbour found that the custody hearings held by Judge Dale, and Marion County Youth Court Referee Garland Upton, violated Chrissy's constitutional rights in the process and access to the courts.

The judge found that the child was examined by a doctor without a guardian present and in which hearings were held but no formal transcripts made. Judge Barbour, who is the chief federal judge in the Southern District of Mississippi, ordered a new custody hearing from which he has barred Judge Dale and Referee Upton.

Adapted from the *Wall Street Journal*, Dec. 10, 1991.

Permission for Adoption Required

A non-custodial mother cannot be deprived of her right to be consulted about her children's adoption solely because she is unable to visit them as a result of her unwillingness to admit that she abused her son, the Oregon Supreme Court has ruled. The adoption law says that a parent who has "willfully neglected" his or her children may not block their adoption by a new spouse.

In the case before the court, the mother was charged with sexual abuse of her 3 1/2 year old son during visitation, and pleaded no contest. The mother was barred from contact with her son, and ordered to undergo psychiatric treatment. A prerequisite to the treatment, and to regaining visitation with her son, was that the mother admit the abuse. She refused to do so. Although barred from visitation with the children because of this refusal, the mother communicated with them by sending them letters and gifts. The court said that the mother's conduct did not constitute willful neglect, and there was thus no basis for terminating her parental rights.

Eder v. West (In re Adoption of Eder); Ore SupCt, No. S37667, 11/22/91).

Formula Can be Rebutted

The Melson financial child support formula does not apply where support under the formula far exceeds the amount necessary to maintain a reasonable standard of living, the Delaware Supreme Court has decided.

The court said the presumption of the formula's applicability is rebutted if the formula would set a support amount far in excess of that needed to maintain a standard of living to which the children had been accustomed prior to their parents' divorce. However, the court said the non-custodial parent's obligation should be set at an amount that will allow the children to share in any improvement in that parent's standard of living after the divorce.

In the case before it, the parents had agreed in 1987 on a divorce with an interim child support amount of \$1,700 per month. The parties could not agree on a final figure, by which time the mothers' income was over \$70,000 a year and the fathers' over \$210,000.

The mother wanted the support amount to be set by the Melson formula, which would put it at \$2,100 per month over what the father was paying.

The court said that the father was making other contributions, and

"where the mechanical application of the formula requires the inclusion of all income to produce a support result far in excess of lifestyle needs, i.e. a level commensurate with their parents', the presumption of applicability is rebutted."

Ford v. Ford; Del SupCt. No 359 1990, 10/17/91.

Attack Warrants Change of Custody

A trial court correctly decided, said an Iowa appeals court, that a custodial mother's repeated portrayal to her three sons of their father as "an insane sex addict" constituted a substantial change of circumstances. This change of circumstances warranted modification of the custody provision of the parents' divorce decree.

The trial court found that the mother's determination to destroy the relationship between the father and the children was detrimental to the children's best interest. Noting that the mother's behavior had escalated to the point of an obsession, the appeals court said that the present circumstances could not have been contemplated when the original custody determination was made.

In re Wedemeyer (Maas); Iowa CtApp, No. 1-271/90-1543, 8/27/91).

Removal Does Not Limit Visitation

A mother who removed her child from Georgia without notifying the father and who withheld visitation should not have had her future visitation with the children made subject to the father's agreement, the Georgia Supreme Court ruled. The visitation, the court found, effectively denies the mother any right to visit with her daughter, because it makes her visitation completely dependent upon the father's "unfettered discretion."

The Supreme Court acknowledged the concern that the mother might again abduct the child, and said that the mother had contributed to the problem by not suggesting alternative times. However, the Supreme Court rejected the trial court's solution to the

problem, and said the trial court could have adopted less extreme measures such as supervised visitation. The Supreme Court instructed the trial court to make an appropriate award of visitation rights to the mother.

Chandler v. Chandler; Ga SupCt, No. S91A0632, 10/18/91.

Visitation Allowed with Stepchild

Visitation with a stepchild may be granted after a divorce, if it can be shown that the stepparent stood in loco parentis with the child during the marriage, the Nebraska Supreme Court has ruled. The court noted that state law specifically authorizes an award of custody to a third party during a divorce.

It would be inconsistent, the court said, if a court had jurisdiction to grant custody to a stepparent, but lacked jurisdiction to grant visitation. The court noted that other courts, ruling on this issue, had found it necessary to determine the best interests of the child by evaluating the issue of how far the stepparent had exercised an in loco parentis role in the child.

The court said that in the case before it the husband had successfully shown that during his eight-year relationship with his stepdaughter's mother he also acted as parent to the child.

Hickenbottom v. Hickenbottom; Neb SupCt, No. 90-1132, 11/22/91.

Lower Earnings Can Not Lower Support

A father, who, citing health problems, voluntarily left his job as a coal miner after 15 years to work for an equipment company at half his former salary should not have been granted a reduction in his child support obligation because of his decreased earnings, the Pennsylvania Superior Court has ruled.

The court accepted that the father did not leave his mining job to avoid his support obligations and could not find fault with his desire to leave his "dangerous, life-threatening occupation" in the mines. However, the father was under an obligation to reduce his income loss, the court said, and there was no evidence that he had

attempted to find a job with a salary comparable to what he made as a miner. The court said that, although the father's testimony about his health may be sufficient to explain why he left the mining job, the record was insufficient to permit modification of the child support payments.

Grimes v. Grimes; Pa Super Ct, No. 1536 Pitt. 1990, 9/13/91.

Note: NCCR attorneys would like to talk to non-custodial parents caught in this dilemma, for possible court assistance.

The above are summarized from *Family Law Reporter*, and appear here by permission of the publisher, The Bureau of National Affairs, Inc.

Note: The Guardian, published by the National Association of Counsel for Children, also reports on court cases, and other issues regarding the legal representation of children, e.g. foster care, guardianship. The Association may be reached at 1205 Oneida St., Denver, CO 80220, phone (303) 322-2260.

NCCR Chapters

If you would like to form a chapter in your own state or community, write to NCCR for our Affiliation Booklet. This 37-page booklet explains everything you want to know about affiliation.

After reviewing the booklet, write to Eric Anderson of Texas, NCCR chapter coordinator, for further information. Eric's address is listed below (we regret that Eric's address was stated incorrectly in the Fall, 1991 issue of *SPEAK OUT FOR CHILDREN*).

National Affiliate Organization
Mothers Without Custody (MW/OC)
P.O. Box 27418
Houston, TX 77227-7418
(713) 840-1626,
Jennifer Isham, president

Alabama
Alabama Council for Children's Rights
501 Crosscreek Trail
Pelham, AL 35124
(205) 664-4865
Charles Crawford, chairman

Alaska
Alaska Dads and Moms
2225 Arctic Boulevard, Ste. 303
Anchorage, Alaska 99503
(907) 274-7358
Gary Maxwell, state coordinator

Alaska Family Support Group
P.O. Box 52115

Big Lake, AK 99652-1151
(907) 892-7760
Steve Strube, president

Second Wives and Children
P.O. Box 875731
Wasilla, AK 99687-5731
(907) 376-1445
Tracy Driskill, president

Connecticut
Connecticut NCCR chapter
P.O. Box 511
Farmington, CT 06034
(203) 673-9325
Mike Glanovsky, coordinator

Florida
Florida NCCR chapter
113 W. Tarn Lakes Drive
Boynton Beach, Florida 33436
(407) 369-3467
Piotr Blass, coordinator

mid-Florida chapter
Barbara Walker-Seaman
353 N. Central Avenue
Oviedo, Florida 32765-6307
(407) 365-7812

Georgia
Georgia Council for Children's Rights
(GCCR)
P.O. Box 70486
Marietta, GA 30007-0486
(404) 591-7772
Sonny Burmeister, coordinator

Indiana
Indiana Council for Children's Rights
(ICCR)
2625 N. Meridian, Ste. 202
Indianapolis, IN 46208
(317) 925-5433
David Dinn, coordinator

Iowa
Fathers for Equal Rights, Inc.
3623 Douglas Avenue
Des Moines, IA 50310
(515) 277-8789
Dick Woods, coordinator

A second-wives for Equal Justice group is also in formation

Kentucky
Kentucky chapter of NCCR
Pumpkin Ridge Farm
Pellville, KY 42364
(502) 233-4614
Tracy Cox, coordinator

Maryland
NCCR Maryland chapter
417 Pershing Drive
Silver Spring, MD 20910
(301) 588-0262
Harvey Walden, coordinator

New Jersey
New Jersey Council for Children's Rights
(NJCCR)
P.O. Box 615
Wayne, NJ 07470-0615
(201) 694-9323
Erich Sturn, president

Ohio
Coalition of Parental Rights Associations (CAPRA)
227 S. Roanoke Avenue
Youngstown, OH 44120
(216) 799-9787
Andy Cvercko, president

Pennsylvania
P.E.A.C.E. (Parents Equality and Children's Equality)
20 1/2 S. Bradford St.

Allentown, PA 18103
(215) 435-3008

Texas
Texas Children's Rights Coalition (TCRC)
P.O. Box 12961
Capitol Station
Austin, Texas 78711
(512) 836-6621
Eric Anderson, coordinator and nationwide chapter coordinator

Vermont
Vermonters for Strong Families
RR 1, Box 284A
E. Montpelier, VT 05651
(802) 454-8462
Fred Tubbs, president

Virginia
Fathers United for Equal Rights and Women's Coalition
P.O. Box 1323
Arlington, VA 22210-1323
(703) 451-8580
Paul Robinson, president

Family Mediation of Greater Washington
10300 Eaton Road
Fairfax, VA 22030
(703) 522-7628
Laurence Gaughan, Esq., mediator

Canada
NCCR chapter of Canada
P.O. Box 77007
Ottawa South, RPO
Ottawa, Ontario K1S 5N2, Canada
(613) 737-0546
Richard MacCourt, coordinator

Give Him Another "F": A Reply to Frank F. Furstenberg

by Dan Gold and Anna Keller

In the Spring/Summer, 1991 issue of **SPEAK OUT FOR CHILDREN**, we published criticism of a 1987 research note by Frank F. Furstenberg, saying he reported in a misleading way on research he had conducted on the relationship between fathers' visitation after divorce and the well-being of their children.

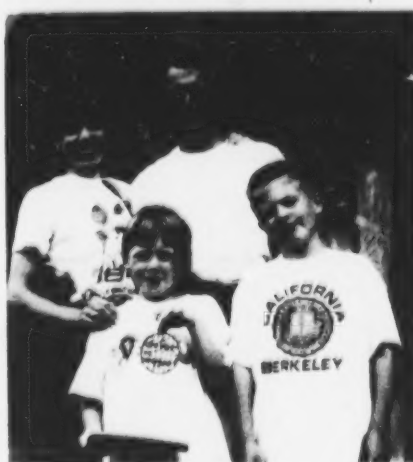
Our criticisms were the following: first, Furstenberg's research was poorly designed and could not have yielded significant results because his measures of the key variables (extent of parent-child contact, and child well-being) were faulty. Second, his research results were presented in a highly misleading way. Third, he implied that his findings were highly significant to the formulation of family policy, and should be used by policy makers.

In his reply to us (Winter, 1991 **SPEAK OUT FOR CHILDREN**), Furstenberg ignores our first (and most important) criticism completely. He denies our second accusation, arguing that we have deliberately misinterpreted his statements; i.e. any "misleading" done by his article is the fault not of his presentation, but of our misunderstanding.

Similarly, he denies having used rhetorical devices, claiming that to accuse him of this is "both ridiculous and insulting." Finally, he claims that his statements in his article regarding the potential policy implications of his findings were explicitly intended to discourage policy makers from using his tentative and unreliable findings:

"I thought it was important," he says in his letter to us, "to state explicitly that our findings do not provide a reliable guide for policy recommendations." We could not agree more!

Furstenberg does not limit his reply to a defense of his research or its presentation, but goes on to accuse NCCR's authors of prejudice, and to (mis)characterize us as book-burning reactionaries (for our mild suggestion that his research should be reviewed more thoroughly by his peers, and that research of poor methodological qual-



Anna Keller and Dan Gold and sons.

ity — including his research, if found to be poor by his peers — should not be funded indefinitely by any source).

We will let our readers decide for themselves whether they agree with Furstenberg's accusations. What surprises us is that he shows so much concern about his funding and so little about our criticisms of the quality of his research. "One need not be a Marxist to suggest the ideological importance of the link between a sociologist and his means of production" (Weigert, 1970, p. 117).



Children are Hurt by Faulty Research

Our central concern remains unaddressed by Furstenberg, and that is that by publishing faulty research on children, by presenting it in a way that its limitations are not clearly understood, and by then offering this research to the attention of policy-makers, the interests of children in this country are being grossly violated.

We are part of an organization one of whose primary aims is to educate our community to the welfare and rights of children. Research like Furstenberg's, if applied to other communities underrepresented in the political sphere, would be considered outrageous: imagine research being

published showing that young black men who attended school three weeks a year did no better than those attending one week a year on standardized achievement tests.

Would anyone accept as reasonable a presentation of "findings" that school does not appear to benefit young black men? Yet this is the equivalent of what Furstenberg is getting away with.

Let's go back to our first point: that Furstenberg's research is faulty in design and method. This sample was based on an initial survey (the National Survey of Children) in 1976-77, of children ages 7-11.

The 1981 "wave" (on which he bases his 1987 research note) consisted of a subsample of children then ages 12-16 (from the same national survey). The subsample consisted of children whose parents reported highly conflicted marriages five years earlier, or whose parents were actually divorced at the time of the initial survey.

No fathers' reports of child well-being or parent-child contact were obtained. The sample was so small that Furstenberg was unable to evaluate the impact on children of high contact (more than three weeks per year) with their fathers. As he says in his research note: "Most fathers in our studies did not see their children very often" (696).



No Evaluation of Contact in Early Years

The children in the 1981 follow-up were in their teenage years, and no evaluation was made of the degree of contact they had with their fathers as young children. A closer evaluation of the original sample (including an oversample for blacks) and the follow-up sample (truncated for reasons of funding in 1981) would be valuable, but a more detailed description of the

Continued on next page

Continued from previous page.

sampling method has not been made available to us yet.

It is important to keep in mind that Furstenberg's research is entirely quantitative (although his reply cites anecdotal and impressionistic views, such as the "observation" that men abandon their children for "voluntary reasons").

This means that if his data, or its analysis, is flawed, his "findings" are invalid (regardless of whether they do or do not confirm his or NCCR's philosophy). We believe that Furstenberg has committed at least one fundamental statistical error in his work (technically known by researchers as the "third kind of error").

That is, he has set up a sample that does not correspond to the population presumably being represented by the sample. To "specify" wrongly, that is, to claim that a sample is representative when it is not, leads to wrong inferences about the population being "specified."

We also have our doubts about whether the truncated 1981 subsample is randomized, or whether it was constructed in a nonrandom fashion. For instance, we know that the 1981 sample overrepresented high conflict families. We need to look more closely at how he compensated for this.

Furstenberg would doubtless agree with us that his sample is unrepresentative of children who spend significant amounts of time with their noncustodial parent, since he spends a good deal of time in his reply to us explaining that it is hard to find noncustodial fathers who spend a lot of time with their children (as though we would argue with that).

On the contrary, we are very much aware of the fact that there are multiple factors which discourage extensive father-child contact after divorce (although we would disagree with his characterization of this attrition as "voluntary"; perhaps we need a new category of "discouraged fathers" analogous to the labor statistics figures for "discouraged workers").



Statistically Significant Number Not Identified

We say, he is taking the failings of his model and his sample, namely the failure to identify a statistically significant number of high-contact father-child relationships, and reframing this as a failure of fathers.

On the whole, to use the economics of insurance parlance, Furstenberg's study has been observed to have a high risk performance leading to low credibility projections. Policymakers (insurers) will not make a profit (ensure the well being of American children) by investing in this sort of research.

What about the measures he used for "child well-being"? In his research note he acknowledges they were "crude" (p. 696) but claims they were adequate. He does not even refer to this criticism in his reply to us. We repeat again our question, whether his measures were adequate, given the many dimensions of "well-being."

In particular, he used no measure equivalent to "self-esteem" which has frequently been found, in other studies before and since his own, to be correlated with expansive post-divorce parent-child access (See page 16 for references to several new studies that also support this relationship).

It may be that using a measure of "ill-being" (as Furstenberg's was: he measured distress, delinquency, academic difficulties, and problem behavior) — particularly with adolescents — tells us less than it may appear about "well-being" — self-esteem, capacity for empathy, good relations with peers, etc. And it may be that Furstenberg's "ill-being" and "well-being" are not (as is implied by his study) mutually exclusive (See Healy et al. 1990).



Questions on Self-Esteem Omitted

According to material supplied by Child Trends, the 1981 survey from which Furstenberg's data was drawn

did not include questions about self-esteem, although it did in 1976 and in a 1987 third wave. The 1981 survey did however include questions on positive child attributes, such as educational aspirations, child-peer relationships, and life satisfaction. So far as we know, Furstenberg did not look at this data in his analysis of "well-being."

As for the sample itself, we think it is worth observing that the divorces which Furstenberg's sample represents took place at least 10 and (for many) 15 to 20 years ago.

Not only does this raise questions about the limited applicability of research on adolescents to the needs of younger children, but it certainly raises some questions about the relevance of the divorce experience of the seventies to divorcing families in the nineties. This is hardly the cutting edge of research news, as Furstenberg implies (p. 700).

We also complained that Furstenberg wrote up his findings in such a way as to lead to faulty conclusions by even sophisticated readers. For example, his abstract implies that his findings were far more sweeping than they were on a closer reading.

On July 23, 1991, in the *New York Times* Jane Brody published a long article in the "Science Times" in which she wrote "... children often do better (after divorce) if the father drops out of the picture altogether," citing Furstenberg's 1987 research note as her (only) source. In an August 1, 1991 letter to the editor, Furstenberg faulted the *New York Times* for "inaccurately" reporting on his research.



Work Quoted by Others

In the same month, at the annual conference of the American Sociological Association, Judith Seltzer, a sociologist with whom Furstenberg has worked closely (he thanks "Judy" for her help with his newest book) stated, without any qualification whatsoever, that "Furstenberg has shown that visi-

Continued on next page

Continued from previous page.

tation after divorce has no effect on children." Furstenberg (who was there) did not correct her.

In 1989, ACES (Association for Children for Enforcement of Support) distributed excerpts from Furstenberg's 1987 research note to state legislators as important new research evidence of the deleterious effects on children of visitation. "Enclosed is the most recent study of the effects of joint custody (sic) on children for your review," they wrote, citing none other than Furstenberg's 1987 research note as their source.

If Furstenberg's research note is so open to misunderstanding and misinterpretation (as well as flagrant misuse) by such diverse readers, our accusations that his findings are presented misleadingly cannot be dismissed out of hand.

The fact is that Furstenberg is so eager to deliver strongly worded and interesting findings, that although he equivocates about the weaknesses of his research, he is not shy about using stronger language to shore up speculation. Indeed, we stand 100 percent behind our earlier observation that Furstenberg is a master (witting or unwitting) of double talk.

For instance, Furstenberg defends himself in his reply against our charge that he appears to discourage involvement by noncustodial parents, by quoting from his newest book (*Divided Families*, Harvard University Press, 1991).

What he doesn't quote to us is the sentence that closes the paragraph he cites. "But" he adds, "we are certain that such families (capable of cooperating in childrearing) are rare at present and unlikely to be common in the near future" (1991, p. 73).

He writes to us, and to the *New York Times*, that he is a strong supporter of paternal involvement, yet this new book of his probably reflects his real position more accurately: "This doesn't mean we should abandon efforts to increase the involvement of divorced fathers in their children's lives. But for the near future, our

chances of improving children's adjustment to divorce are probably better if we concentrate on supporting custodial parents and reducing conflict" (1991, p. 19).

"... (In weighing alternative public policies concerning divorce, the thin empirical evidence of the benefits of joint custody and frequent visit with fathers must be acknowledged." (1991, p. 76).

We want to emphasize that it is Furstenberg, not we, who identify noncustodial parents exclusively with fathers.

To characterize a piece of writing (or a body of work) as "misleading", which permits wildly divergent interpretations by reasonable and educated people, and which hosts flatly contradictory statements, is not unreasonable or "ridiculous," and if true, not "insulting" but merely an observation of the facts.

For us to say that such writing is an example of rhetorical facility (surely it is a nice trick to be able to both say a thing and not say it at the same time!) is not to put Furstenberg into a unique category among social scientists. There is a long tradition of rhetoric (and its abuse) in sociology (see Weigert 1970).

What makes the use of rhetoric problematic is not its use per se, but its use to deceive the reader, namely by presenting rhetoric (assertions) as science (findings). Weigert, 1970, p. 111).

If Furstenberg genuinely wants not to misrepresent his findings, he will find a way, in the future, to present them in a more cautious, more critical, and probably less rhetorically appealing fashion.



Public Policy Affected

This brings us to relationship between Furstenberg and the shapers of family policy. Furstenberg writes to us that he has taken "great pains" to bring the limitations of his research to the attention of potential policy makers, since he has learned that "policy-makers have no scruples about using preliminary or inconclusive results to justify their decisions."

What Furstenberg does not tell us in his reply is that his latest book, *Divided Families* "launches a new series" whose aim is to be a prototype volume "by scholars who seek the opportunity to step back from their research and communicate important conclusions to policymakers, practitioners, and the public at large" (Preface, v).

We think our readers can guess at exactly what important conclusions are communicated in this volume, and what evidence is cited to support them.

In this volume, targeted deliberately at policymakers, Furstenberg cites his 1987 research note, based on the National Survey of Children, as convincing evidence that "For now, we must conclude that the link between fathers' visits and children's well-being hasn't been convincingly demonstrated. Although we still advocate strengthening ties to fathers, we believe that public policy should place lower priority on this objective than on the previous two (lowering parental conflict and supporting custodial parents)" (1991, p. 107).

In this new book, Furstenberg gives far more credence to his own, admittedly limited research than he has given to any other study by any other researcher on this subject. What will not be clear to most policymakers or members of the public is that Furstenberg has a personal stake in representing these findings as particularly important; he wrote them!

But since his footnotes all appear at the end of the book and he doesn't mention that he is an author of the NSC findings, this is not apparent at first glance. Elsewhere too in this new book (see especially chapter 4), Furstenberg cites his 1987 study as though it were particularly definitive.

We think that Furstenberg has placed himself and his findings squarely in the policy arena, has explicitly invited policymakers to use his findings, and he has even made specific policy recommendations himself.



Continued on next page

Continued from previous page.

Not Just a Scientist

To imply to us that he is just a scientist doing his job, reporting the facts as he finds them, is nonsense. To imply further he has taken great care to present his research so that it cannot be misunderstood or misused is simply untrue.

Social science doesn't have to be done this way. As Richard Feynman has said, the most important thing in science, is to do things in the right way.

It is possible to make an excellent reputation academically and even to be a clear and valuable voice in the policy arena, without distorting the role of science.

We believe that the available research on the relations of children with their parents after divorce remains, at best, suggestive and, at worst, full of contradictory conclusions. We have always felt that it was important to expose the limitations of data and thinking in research that was widely circulated in policy circles, because of the harm that inaccurate or exaggerated data can do to children.

Children are not policymakers, they are not academicians; they cannot argue these points themselves. When scientists propose to tell policymakers what is good for children, and we believe their science to be flawed, we have an important role in speaking up.

While we wait for some refutation of Furstenberg's work in his own academic community, Furstenberg has thrust himself into a policy setting that could — assuming that we are right, and that Furstenberg's data and conclusions are wrong — do grievous damage to many children, and to their relations with their parents.

The next time a judge, a legislative staffer, a mother, or a father picks up their morning paper, let us hope they don't read that Frank Furstenberg has shown that visitation really doesn't matter to kids. For the vast

majority of kids and their parents, it does.

Gold is an NCCR Senior Research Analyst and Keller is an NCCR vice-president.

Notes:

ACES (Association for Children for Enforcement of Support, Inc.), Letter, 1/6/89, "Dear Representative" from Geraldine Jensen, President.

"Appendix C, The National Survey of Children," n.d., s.l. (1991?), supplied by Child Trends, Washington, D.C.

Brody, Jane. "Children of Divorce: Steps to Help Can Hurt," *Science Times (New York Times)*, July 23, 1991.

Cherlin, Andrew and Frank F. Furstenberg, Jr. *Divided Families*. Harvard University Press, 1991.

Furstenberg, Frank F., Jr. "For Children of

Divorce, Fathers Count," letter to the editor of the *New York Times*, August 11, 1991.

Furstenberg, Frank F., Jr., S. Philip Morgan, and Paul D. Alison. "Paternal Participation and Children's Well-Being After Marital Dissolution," *Research Note, American Sociological Review*, October 1987, vol. 52, pp. 695-701.

Furstenberg, Frank F., Jr., reply to Gold and Keller, *SPEAK OUT FOR CHILDREN*, Fall 1991 (National Council for Children's Rights).

Gold, Dan and Anna Keller. "Research as if Children Mattered: What We Can Do About Misleading Research on Children," *SPEAK OUT FOR CHILDREN*, Spring/Summer 1991 (National Council for Children's Rights).

Healy, Joseph M. Jr., Janet E. Malley and Abigail J. Stewart. "Children and their fathers after parental separation," *American Journal of Orthopsychiatry*, October 1990 v. 60 n. 4, pp. 531-543.

Weigert, Andrew J. "The immoral rhetoric of scientific sociology," *The American Sociologist*, May 1970, pp. 111-119.

Children of Divorce More Troubled

Children of divorced parents grow up to have more troubled relationships with the opposite sex and a higher divorce rate than those from intact homes, psychologists from the American Psychological Association (APA) have reported.

As more kids from divorced families grow up, mounting evidence paints a profile that sets them apart from those reared in two-parent families, as reported in *USA Today*, August 19, 1991.

Among findings presented at a meeting of the APA in August, are:

- A 20 year study of 300 families finds more dating anxiety and earlier marriages. And compared with those from intact homes, divorce rates are 64 percent higher for women, and 33 percent higher for men, says Washington, D.C. psychiatrist Edward Beal.
- A study of 150 men's social patterns by Silvio Silvestri of South Lake Tahoe, CA, shows those whose parents divorced were more hostile, and more fearful of getting close to anyone.
- A study of 222 college students showed they overwhelmingly blamed Dad for the divorce and reported being less close to him than peers from intact homes, re-

ports psychologist Kathleen Welch of the San Fernando Valley Child Guidance Clinic, Northridge, CA.

- Research continues to show that a good relationship with Dad after divorce makes a difference. In one study of 142 divorced dads, age 22-61, for example, involved fathers had the best adjusted children.

Remarriage of mothers may help adjustment, Welch says. Daughters whose moms remarried had just as high an expectation of happy marriage as girls from intact homes. But boys were less likely to expect good marriages for themselves if Mom remarried.

"They identify with their fathers," she says, "and see their mothers' remarriage as a rejection of them, which confirms their fear of inadequacy."

Note: NCCR's report No. R123 presents abstracts on the findings of more than 50 researchers that shows children with two parents generally do better than one parent. 20 pages, \$10.00 for NCCR members, \$12.00 for non-members, plus \$2.00 for mailing.



CHECK IT OUT!
Advertise in
SPEAK OUT FOR CHILDREN.
Write to:
NCCR, c/o NextStep Publications
1485 3rd, Astoria, OR 97103

Model Bills and Other Recommended Legislation

We are listing model bills available from the American Legislative Exchange Council (ALEC) and NCCR.

Two of the model bills on divorce were developed by the American Legislative Exchange Council (ALEC), an organization representing 2,400 conservative Democratic and Republican state legislators. The bills, adopted by ALEC at NCCR's urging, are:

- a "Model Child Relocation Notification Act," which would "require 60 days advance written notice to either the court, the other party, or both, by any party intending to relocate the permanent residence of a child"; and
- a "Model Access (Visitation) Dispute Mediation Act", which would "establish a child Access/Visitation Office ... to develop and implement an access/visitation dispute mediation program to investigate the complaints arising out of access/visitation orders issued by courts."

ALEC expects the state legislators who are members of ALEC to promote these and other ALEC "model bills" in their states.

This is an opportunity for you to contact ALEC members, bring these two bills to their attention, and ask for their help in getting them passed. For a list of ALEC members in your state, and suggestions on the best way to work with ALEC members, contact NCCR.

NCCR is an advisor to an ALEC task force that meets periodically to consider further model legislation for the states. Sam Brunelli, the execu-



Sam Brunelli

tive director of ALEC, is an NCCR Advisor.

The following are available from NCCR:

- a model access (visitation) bill (based on Texas law), that establishes minimum standards for access. Under the Texas law (S. 188), the legislature has stated that judges must give about 34 percent of the time on a year-round basis to a (non-custodial) parent. A judge may give more access than that, but not less, absent good reason to the contrary.

The bill provides that the non-custodial parent shall pick up the child on Friday afternoon at school and return the child to school on Monday morning, on weekends when the parent has the child.

Because the question of possible conflict between parents often arises in the context of proposed domestic laws, it should be noted that pick-up on Friday afternoon at a day care cen-

ter or school, and the return of the child to that same location on Monday morning provides the perfect "neutral setting" for the child and the parents.

On the other hand, a pick up Friday evening or a return Sunday evening to the other parent's residence might encourage conflict that a neutral location and time would discourage.

- a bill that would establish a rebuttable presumption for joint custody, adapted from the Joint Custody Association.
- a parental kidnapping bill that treats kidnapping by either parent as a crime;
- a bill to resolve the financial aspects of the marriage within three years of the separation (including time limitation on use and possession of the family home);
- a bill concerning establishment of access (visitation) mediation centers;
- a bill concerning make-up of access (visitation);
- a bill concerning notification prior to relocation of a child.

The last five bills above were developed by the Coalition for Children's Rights and Divorce Reform in Maryland.

For a copy of any of the above bills or a list of ALEC legislators in your state, please send your order to NCCR. Include \$2.00 for each bill and \$2.00 for a list of ALEC legislators in your state, to cover postage and handling.

NCCR in the News

NCCR was mentioned in the *Washington Post* three times in a one week period in November, 1991, including one quote in an editorial on November 29. All the quotes referred to Washington, D.C. Mayor Dixon's program to "get out of our armchairs, take back our streets and make a stand for our children." The *Post* editorial noted:

"As David L. Levy, president of the

National Council Children's Rights, said, 'A lot of this can be done for little or no cost, if it's handled the right way.'

NCCR has written to the Mayor (who has since remarried and changed her name to Kelly) urging prevention programs for youth. This would include expansion of the Mentor Programs, whereby an adult helps a needy child in the transition from teenagehood to adulthood.

We have also commented on the ACLU court victory over the District in 1991 regarding the way in which the Dis-

trict warehouses children in foster care. NCCR has recommended that a greater effort be made to identify other family members (grandparents, an uncle, an older brother) who might be able to help raise a child.

So long as the family member would provide a safe environment for the child, this could be a better approach than the cumbersome alternative of adoption, although adoption would still be recommended in many cases.

Thanks to Our Contributors

We wish to thank those who have joined, renewed their membership, contributed to NCCR, or ordered materials from NCCR from May through September, 1991. * Denotes life member of NCCR (financial and/or service contributions totaling \$500 or more).

Jed Abraham
Bob Adams
Jack Adato
Richard Alperin
Dominick Amari
Joan Anderson
Richard Andre
Jack Arbutnot
Richard Austin
Jay Baiz
Joseph Barbier
Allen Baum
Sanford Berger
Florence Bienenfeld
Rebecca Black
Richard Blair
Piotr Blass
Melinda Blau
Steven Bluth
Kim Boedeker-Frey
Teresa Boland
James Boskey
Dennis Hoytim
Robert Brown
David Bruer
Charlene Brumley
Sonny Burmeister
Aza Butler
Mike Carrell
Annemarie Carrillo
Nancy Caville
Richard Chancellor
Lawrence Cheekin
Perrel Christensen
James Cloyes
* Stuart Cochran
Dana Cogan

Roger Colven
Phil Cook
Joseph Crum
Thomas Curtis
Andrew Cvercko
Thomas Daigneau
Joseph Dansereau
Catherine Davis
Barbara DeMarea
Clark Deer
* Elliott H. Diamond
David Dinn
Wiley Dobbs
Robert Dodge
Patrick Donohue
George Doppler
Joseph Doran
Charles Duckworth
Bobby Edwards
Philip Eggers
Dick Elde
Barbara Etnier
Ben Fischler
Susan Marie Fonzi
Tommy Foster
Janet Freedman
Mark Gadamsky
Gary Garriott
Roger Gay
William Glassmire
David Goldberg
Robert Goldstein
* Mark Goodson
Donald Gordon
Bezael Gordon
Jeff Green

Jay Greenley
Steven Greenstein
Ray Grey
Michael Grim
R. Hallman
Michael Hanna
Timothy Hanson
Patrick Hare
Raymond Hart
Martha Hartmann-Harian
John Hickly
Jerry Hill
Stan Hirsch
Michael Hirschensohn
Dave Holtzendorff
Robert Hopkins
Charles Hubbard
Jennifer Isham
Arthur Janes
James Janousek
Julie Jennings
Deborah Jones Selk
Lawrence Kaplan
George Kelly
Paul Kirschmeier
Kirk Kitchin
Don Kling
Jim Klopian
Glenn Kramer
Walter Kukes
Martin Lachman
Alice Ann Larsen
Richard Lauzier
George Lazar
Jackie Lee
Joseph Lehman

Dominick Leonardo
Eric Levi
Dennis Lewis
Eric and Ruth Liebowitz
Ralph Logan
Donald Looney
Carol Lowry
Mary Lund
Frankie Mabry
Dan MacDonald
Betti Maloney
Douglas Manuel
Richard Martin
Bill Masters
Patrick McCarthy
Linda McCusker
Ed McFadd
* Marie McManmon
John McSweeney
Jerome Weinstein
Sharon Menick
* Ritz Miller
Ellen Muller
Albert Mulrone
Patricia Murphy
Ronald Myers
Ann Newton
John Nissen
Richard O'Neil
John Parce
Bobbi Payne
Jessica Pearson
Philip Pelter
Michael Penrod
Drew Peterson
Charles Phillips

Joseph Pirone
Lori Plotkin-Blum
Dennis Pope
Ron Porter
Roderick Potter
Brett Price
John Pulcinella
Jack Quinn
Robert Randolph
Isolina Ricci
Patricia Richards
Gwen Richardson
Ann Riley
Rachel Rivers
Jeffrey Robbins
Jack Robinson
John Rooney
David Rose
Steven Rosenberg
William Ryan
Jamie Sadler
Paul Salvas
Judy Saslow
S. Richard Sauber
Mary Jo Scalone
James Scheimer
Brad Schultz
Lita Schwartz
Aletta Seuka
Steven Shapse
Elwyn Shaw
Robert Sheldon
* John Siegmund
Phyllis Simon
* Kenneth Skilling

Maurice Small
Albert Smith
Bruce Smith
Riette Smith
Sheila Smith
Peter Sokaris
Jerry Solomon
Penny Sorenson
Lawrence Stein
Henry Stevenson
* Chuck and Donna Stewart
Anthony Stone
Vivian Stoutmore
Joseph Sunderland
R. Kirk Suttell
Kathy Taylor Little
Tony Testa
* William A. Toto
Fred Tubbs
Ralph Underwager
Donnie Underwood
Rick Velotta
John Wadkins
Allen Wadsworth
Hollida Wakefield
Donald Webb
Joanne Weber
Margaret Weber
Frank Welch
Bruce Wenzel
Paul Whittlecraft
Frank Wickers
Clair Wiederholt
Dick Woods
Mark Wright

Announcements

Academy of Family Mediators (AFM)

AFM will hold its conference July 13-18, 1992 at the Hyatt Regency, in Minneapolis, Minnesota. The theme of the conference is "Building the Profession — Mediators Working Together." For further information, contact the Academy of Family Mediators, Attn.: Conference Committee, P.O. Box 10501, Eugene, OR 97440 (note: AFM's *Mediation News*, August, 1991 issue says that AFM has grown from 807 members and an annual budget of \$165,000 in 1987, to 1,574 members and an annual budget of about \$320,000 in 1991, under the guidance of Executive Director Jim Melamed).

Family Resource Coalition (FRC)

"Family Support: Framework for the Future" is the theme of the confer-

ence scheduled by the Family Resource Coalition (FRC) in Chicago on May 6-9, 1992. The conference, to be held at the Palmer House Hotel, will feature as speakers Marion Wright Edelman of the Children's Defense Fund, and Bernice Weissbourd. For information, contact FRC, 200 S. Michigan Avenue, Suite 1520, Chicago, IL 60604, 312-341-0900.

Child Support Analysis

For presenting your own case in court/Strictly confidential/or for presenting to your legislature. Includes proposals for equitable results in a variety of situations. Laser quality data and graphs.

Sharp Data

When you want to make a POINT!

Fred Tubbs (802) 223-0873

RFD 1 box 284A

East Montpelier VT 05651

Serving all 50 states.



I DREAM A WORLD

Court Appointed Special Advocates (CASA)

CASA will hold its 11th annual conference May 15-19, 1992 at the Sheraton Music City Hotel in Nashville, Tennessee. Volunteers, program staff, judges, attorneys, social workers, national experts and other child advocates will gather to focus on what's being done to help the nation's abused and neglected children in the courts. For information on CASA and the conference, contact CASA, 2722 Eastlake Avenue East, Seattle, Washington 98102.

NCCR's Researchers Uncover More Positive Results Reports and Dissertations Relating to Children

The following four reports and eight dissertations related to custody, access and financial child support have been analyzed by NCCR. The findings of the reports and dissertations that relate to access to parents and child development show more positive results than reported by Frank Furstenberg in his research (see page 10).

1. Braver, Sanford L., Pamela J. Fitzpatrick, and R. Curtis Bay. "Noncustodial parent's report of child support payments," *Family Relations*, Vol. 40, April 1991, pp. 180-185.

Reports on the first efforts to evaluate child support payments based on matched (payor and payee) data. Begins by analyzing the methodological faults of earlier studies (Peterson and Nord, 1988) that suggested that noncustodial and custodial parent reports are highly similar.

Rather, this new study found them to be very dissimilar. Both custodial parents and court records appear to substantially underreport actual child support payments. According to noncustodial fathers, only four percent pay nothing at all and the rest report paying 90 percent of what is owed.

Even assuming that fathers overreport their payments, this indicates that the compliance rate for fathers is far higher than is commonly believed.

The strongest predictor of payment is the employment status of the non-custodial parent. This confirms other studies which indicate that capacity to pay is the strongest factor correlating with child support payments.

The researchers also conclude that "any research project which queries only one parent needs to contain strong qualifying statements so that readers become aware of the possible and/or likely degree and magnitude of bias" (p. 184).

They add, "there is little support for the statement ... that noncustodial parents refuse to support their offspring though they are clearly able to provide this support" (p. 184).

2. Ferreiro, Beverly Webster. "Presumption of joint custody: a family policy dilemma," *Family Relations*, Vol. 39, October 1990, pp. 420-426.

Finding that "the weight of evidence" suggests that visitation with the non-custodial parent is "an important factor" in children's adjustment. Ferreiro considers the complex set of factors which should be

addressed in a joint custody policy.

She makes several recommendations. First, that where parents agree, joint custody should be presumptive. Second, where parents disagree, one parent's disagreement should not be sufficient to deny joint custody. Third, states adopting presumptive joint custody laws should develop support services for divorcing families, to help them work out cooperative parenting agreements.

Fourth, parenting agreements should be detailed and explicit. Fifth, noncustodial parents' access to their children and children's rights of access to both parents should be protected (i.e. enforced) by the courts. Sixth, child support awards should be based on financial need and ability to pay. Seventh, terminology of divorce orders should be neutral and focus on responsibilities as well as rights.

She rejects terms such as "custodial" and "noncustodial" and "sole legal custody" as highly charged with negative or selfish connotations. Finally, she suggests that where presumptive joint custody is in effect, outcome studies should be conducted which take into account the well-being and satisfaction of all family members.

3. Healey, Joseph M. Jr., Janet E. Malley, and Abigail J. Stewart. "Children and their fathers after parental separation," *American Journal of Orthopsychiatry*, October 1990, Vol. 60, no. 4, pp. 531-543.

This study makes an interesting contrast to Frank Furstenberg's 1987 study (see Give Him Another 'F': A Reply to Frank F. Furstenberg on page 10). This article reports on a two-year study of 121 six-12 year olds. The researchers attempted to survey fathers as well as mothers, but had only a 20 percent response rate from the fathers.

They assessed frequency and regularity of fathers' visits, and closeness of father and child according to the child's report. The highest frequency category used was visits once a week or more (more than twice the frequency used by Furstenberg as his 'high contact' group).

The results suggested that "the child's relationship with a noncustodial father does not have simple, direct effects; rather it has different implications for different kinds of children in different situations." Also "children's postseparation 'adjustment' seems not to be monolithic or unidimensional" (p. 540).

Their research confirmed earlier findings (Kurdek, 1988) that "nonresidential father's frequent involvement with his child was most beneficial to the child in cases where interparental conflict was also high" (p. 541).

The researchers conclude that, generally, age and gender are factors influencing the meaning of father's visits, and that "both frequency and regularity seem to enhance self-esteem, and to be associated with behavior problems, for younger children and especially for boys" (p. 542).

"(A)ll of our findings highlight the importance of attention to the psychological meaning for the child of each parent, and of the particular postseparation situation" (p. 542).

4. Meyer, Danile R. and Steven Garasky. Custodial fathers: myths, realities and child support policy. Technical Analysis Paper No. 42, Office of Income Security Programs, Department of Health and Human Services, July 1991.

This paper, presented at a Fall 1991 conference in the Washington, D.C. area, examines national data on custodial fathers and reports that several popular myths about them are not supported by the evidence. The myths are:

- "There aren't very many custodial fathers". This shows ignorance of the fact that, in 1989, there were 1.4 million father-only families, and this does not include approximately 600,000 remarried custodial fathers;
- "Most custodial fathers have remarried." Again, 43 percent of custodial fathers have, but the majority have not;
- "Most of the single fathers are former widowers and none are never-married fathers." Actually, only 13 percent are widowers and about 25 percent are never-married fathers. These figures indicate that child support is a relevant issue for most custodial fathers;
- "Custodial fathers have high incomes." While in general these fathers have higher incomes than custodial mothers, over 18 percent of father-only families live in poverty with another 21 percent in a near-poor status;
- "Fathers primarily receive custody of older boys." In fact, over 17 percent of single fathers have children under age 3, and over 30 percent have preschoolers. Also, about 44 percent of children in father-only families are girls;

• "Fathers only receive custody when mothers are unfit." While there is no data on this, it appears unreasonable to believe that (as more fathers gain custody) mothers are becoming more and more unfit over time.

The authors discuss the fact that public policies related to child support are often founded on the assumption that mothers always receive custody and that noncustodians always have the higher income. Since exceptions to these are becoming increasingly common, they propose that child support policies should be reexamined to ensure equity in all cases.

Dissertations Available

5. Gray, Kathryn Diane. The influence of ethnicity on fathers' participation in child custody arrangements: A study of divorcing Hispanic, non-Hispanic and intermarried fathers. Doctoral dissertation, Stanford University, 1989. UMI Order No. 90-11503.

Concludes that fathers' participation in child custody arrangements is strongly influenced by ethnic background and that further research is needed in this area.

6. Hallock, Nora Kay. The impact of family relationships on the long-range adjustment of children in divorce. Doctoral dissertation, California School of Professional Psychology, 1989, UMI Order No. 89-4393.

A longitudinal study of approximately 50 divorced and intact families indicated that "the major factor influencing healthy adjustment proved to be a consistent pattern of visitation with the noncustodial parent."

7. Hary, Elaine. Father idealization, father substitutes, and postdivorce environmental factors: Their relationship to adjustment in children of divorce. Doctoral dissertation, California School of Professional Psychology, 1989 UMI Order No. 89-2296.

"The most important finding was that a positive perception of the father and a meaningful relationship with a male substitute figure are the best predictors of a child's adjustment. When the child is visited infrequently by the father or when there is a high degree of animosity between the separated parents, the child does not have a positive perception of the father.... No relationship was found between parental animosity and the amount of contact the father maintained with the child."

8. Lerman, Isabel. Adjustment of latency age children in joint and single custody arrangements. Doctoral dissertation, California School of Professional Psychology, 1989. UMI Order No. 89-25682.

Comparing 30 children in each of three custody groups (maternal, joint legal, and joint physical) the researcher found that "higher levels of father-child contact was associated with better adjustment, lower self-hate, and lower perceived rejection by the fathers;" also that the reverse was true for children with low father-child contact.

9. Lichtenstein, Israel. Joint custodians' relative involvement in child care and interparental hostility as correlates of child adjustment after divorce. Doctoral dissertation, University of Cincinnati, 1990. UMI Order No. 91-8569.

A study of 41 joint custody families indicated that "high access of parents and children to each other, under low interparental hostility, and with limited interaction between joint custodians, constitute a complex of variables that may prove unusually successful in producing happy and well-adjusted children of divorce."

10. Rubin, Steven Lee. School-based groups for children of divorce: A four year follow-up evaluation. Doctoral dissertation, University of Michigan, 1990. UMI Order No. 90-34502.

This researcher found support for the positive long-term benefits of a school-based eight-week intervention program for children in grades 4 through 6. In addition, children who had more frequent visitation with their noncustodial parent showed more positive adjustment.

11. Vogtli, Judith Marie. Personality attributions ascribed to divorced mothers living apart from their children. Doctoral dissertation, State University of New York at Buffalo, 1989. UMI Order No. 89-13556.

This research confirms arguments that terminology is significant in shaping social perceptions of divorced families. Custodial status was a strong predictor of positive or negative personality attributions to fictional couples; the parent who had custody was rather more altruistic and conforming, whether mother or father. Non-custodial parents were rated more selfish and deviant, whether mother or father.

12. Williams, Gwyneth Irene. The politics of joint custody. Doctoral dissertation, Princeton University, 1989. UMI Order No. 89-18850.

Conflicting perceptions of the causes for families of postdivorce problems result in conflicting assessments of the benefits of joint custody. Williams finds that state legislators tend to respond to the issue on a very personal level. "Which definition of the 'custody problem' they accept has more to do with personal or hearsay experiences than with party affiliation, ideology, or gender."

Reports numbered 1-4 can be obtained from the journals in which they appear. Dissertations numbered 5-12 are available for purchase from University Microfilms International (1-800-521-3042) at a cost of \$40-\$60 per dissertation; they may also be available through your library's interlibrary loan service from the degree-granting institution.

Inside NCCR

Jennifer Isham, the president of Mothers Without Custody, has become an NCCR Advisor. Jennifer, who lives in Crystal Lake, Illinois, was the moving force behind the decision of Mothers Without Custody, a national organization representing one million non-custodial mothers, to affiliate with NCCR.

Jennifer will replace Sheila Brayman-Borgese, a former president of MWOC, as a member of our Advisory Panel. NCCR thanks Sheila for being an advisor to NCCR since our inception six years ago. Sheila

has become NCCR's contact person on the Prodigy Bulletin Board, run by Sears-Roebuck and IBM.

Lynn Nesbitt is NCCR's new office manager. She replaces Veronica Daugherty, who was NCCR's secretary for more than two years. Veronica took a new job closer to where she lives. We welcome Lynn to NCCR. Lynn is available to do typing jobs evenings at home; you may contact her at the NCCR office.

John Siegmund, an attorney in Washington, D.C., has become NCCR's first "Senior Policy Analyst." John analyzes financial child support issues and other

matters for NCCR.

NCCR thanks the Centers for the Handicapped, Inc. (CHI) 10501 New Hampshire Avenue, Silver Spring, MD 20903, for their success at handling mail-outs for NCCR for the past five years.

The Center, which hires workers with handicaps, prepares NCCR materials for mailing (adding inserts, applying mailing labels, sorting by zip code, delivering to the Post Office).

We especially thank Millie Billingham and Richard Lithgow of the CHI print shop, who have expedited more than one NCCR mailing.

Around the Country

California

Write to Reverse the Setback to Joint Custody

Because some legislators in California may be having second thoughts about a new law (S.B. 101) that virtually wipes out a credit in financial child support for joint custody, Jim Cook, President of the Joint Custody Association, urges people to write to key California legislators to reverse the law (see list below).

Before S.B. 101, when a parent had a child 10 percent to 30 percent of the time or more, there would be a child support reduction for this parent. This made the non-custodial parent more willing to assume obligations, said Cook.

Because California law is often followed by other states, what happens regarding S.B. 101 can have nationwide impact.

S.B. 101 was passed in an 11th hour session of the California Legislature in 1991, and does not take effect until July, 1992. There is still time to write, says Cook, to urge that the legislature:

- provide that when a parent has the child at least 20 percent of the time, there should be an adjustment of the support allocation. Cook is fearful that the newly passed law means that the parent who gets the child 51 percent of the time could theoretically get 100 percent of the support.
- use the income-shares model (which considers the income of both parents) and not SB 101's provision for the payor-income percentages (which only considers the payors' income). In the last few years, most states have shifted to an income shares model.
- reflect public sentiment at hearings being conducted by the Judicial Council of California to develop fair financial child support guidelines, rather than implementing SB 101.
- compare the percentage level of net income required by SB 101 for financial support with other states, inasmuch as SB 101 raised support levels by 40 percent without considering the often high spousal support given

in California;

- re-evaluate whether a seizure of business and professional licenses when an obligor is 30 days delinquent in support is too punitive. Cook thinks it may be economically unwise to take away licenses of people who are generally employers of other people.

Cook recommends that people write to Sen. Gary Hart (sponsor of SB 101), Assemblyman Phillip Isenberg, Sen. Charles Calderon, and any other California legislators you know. The address for all legislators is State Capitol, Sacramento, CA 95814.

For more information from Cook, contact him at 10606 Wilkins Avenue, Los Angeles, CA 90024, phone (213) 475-5352. Please send Cook a copy of your letters and make a contribution to assist him in his efforts.

Alaska

Obligors Names Can't be Released

A judge in Alaska has prevented the state of Alaska from printing the names of delinquent child support obligors to the media. The Alaska Child Support Enforcement Division (ACSE) had planned to release the names of 2,000 of the "most wanted" obligors.

Judge Joan Katz of the Alaska Superior Court said that due process and privacy issues were at stake, and that irreparable harm could be done if the names were published. She also said that the ACSE had failed to obtain permission from the state legislature to get authority to publish the names.

Judge Katz issued her order on Nov. 26, 1991. The suit was brought by the Alaska Family Support Group (AFSG), based in Anchorage, which is an affiliate chapter of NCCR.

Gary Maxwell, NCCR Coordinator in Alaska, said "Every parent owes his or her child financial and emotional child support, but there are better ways to ensure it than through public embarrassment. We have successfully avoided children being humiliated by seeing their parents branded as deadbeats in the media."

The arguments used in these

documents have applicability in other states.

Copies of the request for the injunction filed by the AFSG, the opposing reply filed by the Alaska Attorney General, and the further reply from the AFSG, a total of 70 pages, can be ordered from Gary Maxwell, 2225 Arctic Blvd., Anchorage, AK 99503, phone (907) 274-7358. Send \$25.00 for photocopying, handling, and postage.

Wisconsin

Help for Pro Se Litigants

The Wisconsin court system and courts in other states try to make themselves more accessible to pro se litigants, according to the U.S. Department of Health and Human Services (HHS). HHS reports that:

- In Wisconsin, family court commissioners are required to provide pro se form pleadings and instructions in all family matters to potential pro se litigants. This includes assisting obligors seek downward adjustments in their financial child support awards.

- Also, under Wisconsin's state plan, if the local child support enforcement agency declines to review a case for adjustment, it must inform the parent that he or she may bring a pro se action. Many commissioners will provide the pro se forms and instructions.

- In another pro se assistance program, the Legal Aid Society of Milwaukee, which has served the legal needs of low-income people since 1916, has been helping litigants with support award adjustments for four years.

During 1991, more than 225 people have sought pro se assistance for adjustments, the majority of them non-custodial parents seeking downward adjustments. The Society has also developed a pro se packet for access (visitation) contempt, and its services have been generally well-received by the state and local bar. For more information, contact Jim Brennan (414) 291-5488.

(From the Child Support Report, U.S. Department of Health and Human Services (HHS), Administration of Children and Families, Office of Child Support Enforcement, October, 1991 issue.)

Here are a few selections from The
National Council for Children's Rights

1992

CATALOG OF RESOURCES

for parents
and professionals

The NCCR catalog lists more than sixty books, written reports, audio-cassettes, model bills and gifts for children. Members can receive additional free copies of the catalog by contacting NCCR. Non-members can order one for \$1.00. Write: NCCR, 220 I St. N.E., Suite 230, Washington, D.C. 20002-4362.

Send all book orders to: NCCR Books, P.O. Box 5568, Friendship Station, Wash., DC 20016. Add \$2 for 1st book, 50¢ each add'l book for shipping and handling.



Especially for Kids

I Think Divorce Stinks, by Marcia Lebowitz. Cartoon style, story form that helps children recognize that it is appropriate to have negative feelings about divorce and to express these feelings. **BKK-104 — 16 pages. SB \$4.95.**

Divorce Happens to the Nicest Kids, by Michael S. Prokop, Md.Ed., school psychologist. An illustrated book explaining divorce in a positive and reassuring manner. For kids ages 3-15 and adults. **BKK-106 — 220 pages. SB \$11.95.**

Especially for Stepparents

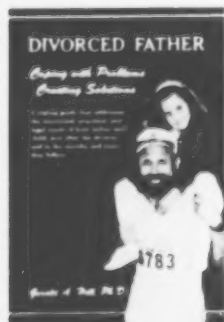
How to Win as a Stepfamily, by Emily Visser, Ph.D., and John Visser, M.D. The co-founders of the Stepfamily Association of America answer questions and give specific suggestions for adults on how to make their stepfamilies work. **BKS-301 — 198 pages, HB. \$13.95.**



Especially for Single Parents

The Single Mother's Survival Manual, by Barbara Duncan. This "how-to-do-it" reference-style book deals with many basic, everyday problems of single mothers; and gives practical, positive information and solutions. Written with wit, warmth and understanding. **BKF-401 — 77 pages. SB \$12.95.**

The Nurturing Father — What Happens When Fathers Stay Home, by Kyle D. Pruett, M.D. Describes benefits to and pleasures for everyone when dad is involved. Explains how fathers can stay home to raise the kids, while mothers can still go out to work. **BKF-402 — 322 pages, SB \$9.95**



Divorced Father — Coping with Problems, Creating Solutions, by Gerald A. Hill, Ph.D. A coping guide for parents and children that addresses emotional, practical, and legal needs just after divorce, and in the years that follow. **BKF-403 — 188 pages, SB \$7.95.**

A NON-PROFIT, TAX-EXEMPT ORGANIZATION STRENGTHENING FAMILIES
AND ASSISTING CHILDREN OF SEPARATION AND DIVORCE



220 I Street N.E., Ste. 230
Washington, D.C. 20002-4362

Address Correction Requested

Non Profit Organization
U.S. Postage
PAID
Washington, D.C.
Permit # 881

Please Reprint This in Your Newsletter or Journal



NATIONAL COUNCIL FOR CHILDREN'S RIGHTS



We are proud of your achievements, NCCR! Sign me up and send me the benefits listed below. Enclosed is my tax deductible contribution as a:

- ☐ Benefactor, \$2,500 ☐ Patron, \$1,000 ☐ Life member, \$500
☐ Sponsor, \$125 ☐ New member/renewal, \$35 ☐ Other \$ _____
☐ I can't join now, but here is my tax-deductible contribution of \$ _____.

PLEASE CHECK ALL THAT APPLY.

- ☐ MC ☐ VISA CC# _____ Exp. date _____

NCCR # _____ if renewal or change of address, see NCCR number on label.

Title _____ (Mr., Ms., Dr., Rev., etc.)

Name _____ (Must be provided.)

Suffix _____ (ACSW, MD etc.) Nickname _____ (Optional.)

Organization (48 Character maximum): _____

Delivery Address (48 Character maximum): _____

City _____ State (2 characters) _____

Zip code _____ - _____

Country _____ (If other than US.)

Organization phone _____ Home phone _____

Work phone _____ If organization is listed in NCCR Directory, organization phone number will be listed.

Individual and work phone numbers are for NCCR internal use only.

Fax number _____ Chapter name, if affiliated with NCCR _____

As a member, please send me *Speak Out for Children* (NCCR's Quarterly Newsletter), Catalog of Resources (in which I receive discounts) and the following at NO ADDITIONAL COST:

- "A Child's Right - 2 Parents," Bumper Sticker.
- FREE! A \$10 VALUE — A 32-page report, *Written Preliminary Proceedings from NCCR's 1990 Fifth Annual Conference* (submitted prior to conference). Includes 19 different reports including Child Sexual Abuse, New Access (Visitation) Research, What is Happening in the Black Family, How to Avoid a Parentectomy, and Activities of the ABA's Center on Children and the Law.

For my membership of more than \$35.00 or renewal, send me a list of free items I'm entitled to (the higher the contribution, the more items that are free).

If you are an individual member of NCCR, your name may be given on occasion to other children's rights organizations, organizations that support NCCR, or individuals seeking a referral for help. If you do not want your name to be given for these purposes, please check here ☐.

Call (202) 547-NCCR (6227) to charge your membership to a credit card, or
send completed form to NCCR, 220 I Street N.E., Suite 230, Washington, D.C. 20002-4362.

Bulk copies of this newsletter are available (20 for \$15, 50 for \$30, and 100 for \$59) for distribution to policy-makers, judges, and interested persons in your state. Send order to NCCR.

Distributed by:

If you are a resident of AL, AK, CT, FL, GA, OH, IN, IA, KY, MD, NJ, PA, TX, VA, VT, we ask that you join the NCCR chapter in that state (which includes membership in NCCR National). For address of chapter in those states, see elsewhere in this newsletter, or write to NCCR for information.

NATIONAL COUNCIL FOR CHILDREN'S RIGHTS

ACTION ALERT!!! ACTION ALERT!!! ACTION ALERT!!!

May, 1992

As noted in our Feb. 1992 Action Alert, Rep. Henry Hyde introduced a bill, H.R. 1241 in the U.S. House of Representatives, and Sen. Richard Shelby introduced an identical bill, S. 1002 in the Senate, to criminalize non-payment of child support in interstate cases.

The bill has generated opposition by Rep. Hughes of New Jersey, and support for a balancing amendment by Rep. Andy Jacobs of Indiana.

BUT WE NEED TO GENERATE A LOT OF LETTERS AND PHONE CALLS TO YOUR CONGRESSMEMBERS TO GET A BALANCING AMENDMENT INTRODUCED AND PASSED.

Consider the following:

- * There is substantial doubt about creating new federal crimes from state court civil actions. The federal courts are concerned about the burdens imposed upon them by new federal crimes, as Chief Justice Rehnquist stated in the Legal Times of Washington, D.C. (1/1/92 issue).

- * A domestic relations order is an integrated document imposing rights and responsibilities on both parents. It is irrational for the federal government to single out only one portion of the order. Compliance with interstate cases will be enhanced by federal enforcement of all portions of the domestic relations order.

- * The Census Bureau reports that parents with access/visitation pay 79.1% of their support, but parents with no visitation pay only 44.5% of their support.

- * The amendment recommended by NCCR is to apply the law to "custody, visitation, and support orders". Recommend this amendment on your own stationery to your Congressmembers.

- * The NCCR amendment does not require the federal government to relitigate the merits of any aspect of a domestic relations order. The amendment is only to enforce ALL portions of the custody, visitation, and support order in interstate cases.

- * The current language imposes irrational results. If a child support obligor who is unemployed and is six months behind in child support moves to a new state to seek work, the proposed legislation presumes the individual is a criminal. Similarly, if the child has already moved to a new state and the debtor/obligor merely follows to remain close to the child, criminality is presumed.

- * The proposed bill irrationally creates a presumption of criminality simply from two constitutionally protected status positions: (1) interstate travel is constitutionally protected and (2) debtor's prison is constitutionally prohibited. Nevertheless, the statute presumes that a felony has been committed solely from the fact that the child support obligor (1) moved to a new state and (2) fell six months or more into debt.

- * The proposed bill provides \$30 million to enforce over three years. However, NCCR estimates the true costs at three to four times that amount, \$90-120 million, to the taxpayers. Less costly, more effective approaches should be tried first.

1 37xxxx

(over)

SAMPLE LETTER

**Your address
Date**

**Representative ---
House of Representatives
Washington, D.C. 20515**

**Senator ----
U.S. Senate
Washington, D.C. 20510**

Dear Representative/Senator:

I ask that you sponsor a balancing amendment to H.R. 1241 and S. 1002 to provide federal criminal penalties for violations of custody and visitation orders as well as for violations of support orders.

Parents should not be allowed to flee across state lines in violation of any lawful domestic relations court order.

This is especially true inasmuch as the Census Bureau reports that parents with joint custody pay 90.2% of their support, parents with visitation pay 79.1% of their support, and parents with neither joint custody nor visitation pay only 44.5% of their support (see Child Support and Alimony Report for 1989, Series P-60, No. 173, issued Sept. 1991).

A balancing amendment will not involve Congress in determining who gets custody, visitation, or support, but only in enforcing those orders against parents who flee across state lines to avoid those orders.

Such a balancing amendment will be in line with provisions of the Hague Convention Against International Abduction of a child by his or her parents and the crime bill pending in Congress dealing with penalties for such an act.

Please let me know if you will sponsor and support a balancing amendment, so our nation's children can get the financial and emotional child support they need and deserve. Thank you.

Sincerely yours,

Your signature

cc.: House Judiciary Committee
Senate Judiciary Committee
Rep. Henry Hyde (R-IL); Sen. Richard Shelby (D-AL)

SPEAK OUT FOR CHILDRENTM



The Quarterly Newsletter of The Children's Rights Council, Inc.
(formerly The National Council for Children's Rights, Inc.)
220 I Street N.E., Suite 230, Washington, DC 20002-4362 (202) 547-NCCR

IN THIS ISSUE:

Readers React to
'Family Circus' 3

150 Attend Candlelight
Vigil 5

NCCR Conference a
Success 7

NCCR Changes its
Name 8

Annual Awards
Presented 10

Hess Wins Ivory
Sculpture 11

David Brenner Named
Honorary President
.....12

Around the Country
.....13

Bills and Resolutions
in Congress 14

Chapter News ...16

In the Courts 17

On Need for Two Parents

Conservative and Liberal Groups Agree

Stronger efforts must be made to encourage and preserve the two parent family in marriage and divorce, said a panel consisting of Sen. Christopher Dodd (D-CT) and representatives of leading liberal and conservative think tanks, at a discussion on Capitol Hill on March 19.

The discussion, sponsored by the National Council for Children's Rights at the start of NCCR's Sixth National Conference, took place in the Dirksen Senate Office Building, across the street from the U.S. Capitol.

Senator Dodd (D-CT), chairman of the Senate Subcommittee on Children, Family, Drugs and Alcoholism, and the other panelists agreed that America must not only talk about the need of a child for two parents, but follow through with policies that reflect this consensus.

"We must do everything possible to preserve the family ... It's the basic cellular structure of society," said Dodd.

Too often, Dodd noted, society looks at one part of a problem, but not the other parts. Dodd said society has focused on custodial families, but ignored ways to keep the non-custodial parents involved with the child.

This comment drew applause from the estimated 150 people (NCCR conference attendees, Senate staff and the media) who attended the discussion.

(See Washington Times story on page 4.)



Senator Dodd

Dodd referred to S. 1411, a bill he introduced dealing with tax relief for middle-income families and family preservation.

Commission on Family Strengths

Title 3 of the bill would establish a National Commission on Family Strengths, which would examine both noneconomic and economic ways to help families.

Dodd said that the Commission, if established by Congress, could recommend model federal and state legislation, ways to encourage parent involvement in children's lives, and examine parent education, counseling, custody and support issues.

(See related story in "Bills and Resolutions in Congress" on page 14.)

He is working to build a consensus behind family issues, Dodd said, because all the other issues of concern to the President and Congress don't amount to much if America doesn't do more to strengthen and preserve families.

Although leading analysts on family issues have discussed family issues together several times during the past year, in an effort to forge common approaches, this was the first time they focused on the needs of children of divorce.

Other participants at the panel discussion included:

See Groups Agree page 6

PS 021264

SPEAK OUT FOR CHILDREN is published by the Children's Rights Council, Inc.

Editors: David L. Levy, Elliott H. Diamond.

Contributors to this issue: Kenneth Skilling, Deanne Mechling, Ed

Mudrak, Charles Davis.

Semester-in-Washington student legislative interns Kerrie Murphy, Janelle White and Aaron Ristow.

The material in this issue is

copyrighted by NCCR 1992. However, all material may be reproduced, if attribution is given as follows: "From 'SPEAK OUT FOR CHILDREN,' published by The National Council for Children's Rights."

About CRC (Formerly NCCR)

The Children's Rights Council, also known as the National Council for Children's Rights (NCCR), is a non-profit [IRS 501(c)3] organization, based in Washington, D.C. We are concerned with the healthy development of children of divorced and separated parents. For the child's benefit, we seek means of reducing divorce by strengthening families through divorce and custody reform, minimizing hostilities between parents who are involved in marital disputes, sub-

stituting conciliation and mediation for the adversarial approach, assuring a child's access to both parents, and providing equitable child support.

NCCR was founded in 1985 by concerned parents who have more than 40 years collective experience in divorce reform and early childhood education.

Prominent professionals in the fields of religion, law, social work, psychology, child care, education, business and government comprise our

Advisory Panel.

For further information about membership, publications, cassettes, catalog, and services, write: NCCR, 220 I St. N.E., Washington, D.C. 20002, or call (202) 547-NCCR (6227). Our fax number is (202) 546-4CRC.

SPEAK OUT FOR CHILDREN is published at least four times a year and is sent free to members. Send letters, comments, and articles for publication to Editor, NCCR.

OFFICERS:

David L. Levy, Esq., President
Anna Keller, Vice President
John L. Bauserman, VP/Treasurer
Ellen Dublin Levy, Secretary

HONORARY PRESIDENT:

David Brenner, Entertainer
New York, New York

HONORARY CHAIRMAN:

Mark Goodson, TV Producer
Beverly Hills and New York

CHAIRMAN:

Stuart W. Cochran II
Elkhart, Indiana

GENERAL COUNSEL:

Michael L. Oddenino
Arcadia, California

DIR. OF INFORMATION SERVICES:

Ed Mudrak

DIRECTOR OF PUBLICATIONS:

Deanne Mechling

DIRECTOR OF DEVELOPMENT:

Clifton A. Clark

ADVISORY PANEL:

Rabbi Mendel Abrams, D. Min.
Former President, Board of Rabbis
of Greater Washington, D.C.

Sam Brunelli, Executive Director
American Legislative Exchange Council
Washington, D.C.

Jim Cook, President
Joint Custody Association
Los Angeles, California

"Dear Abby"
(Abigail Van Buren)
Los Angeles, California

Honorable Dennis DeConcini
U.S. Senator, Arizona

Karen DeCrow
Former President of N.O.W.
Jamesville, New York

Elliott H. Diamond,
Co-Founder, N.C.C.R.
Reston, Virginia

Honorable David Durenberger
U.S. Senate, Minnesota

Meyer Elkin, Co-Founder
Association of Family & Conciliation Courts
Beverly Hills, California

Warren Farrell, Ph.D., Author,
Former Member of the Board of
Directors New York City N.O.W.
Leucadia, California

Doris Jones Freed, Esq., Co-Chair
New York State Bar Association Family Law
Section's Custody Committee
New York, New York

Larry Gaughan, Law Professor,
Professional Director, Family Mediation

of Greater Washington, D.C.

Ronald T. Haskins, Ph.D., Associate
Director, Bush Institute for Child and
Family Policy, U of NC, Chapel Hill (1978-85)

Jennifer Isham, President
Mothers Without Custody (MWOC)
Crystal Lake, Illinois

Joan Berlin Kelly, Ph.D.,
Executive Director
Northern California Mediation Center

Elisabeth Kübler-Ross, M.D.,
Author, Psychiatrist
Head Waters, Virginia

Vicki Lansky, author/columnist
Deephaven, Minnesota

James Levine, The Fatherhood Project,
The Bank Street College of Education
New York, New York

Dr. Carl H. Mau, Jr.,
General Secretary
Lutheran World Federation (1974-85)
Geneva, Switzerland

John Money, Ph.D., Professor of Medical Psychology and
Pediatrics
Johns Hopkins University and Hospital
Baltimore, Maryland

Sue Klavans Smirng
Co-Director Family Solutions
The Center of Divorce and Custody Consultation
Englewood, New Jersey

Debbie Stabenow
State Senate, Michigan

With grateful appreciation to ...

Charles N. J. Ruggiero, Esquire, for his work in obtaining trademark protection for CRC. Charlie is a specialist in trademark, patent, copyright, and licensing law. He is a partner in the law firm of:

Grimes and Battersby
3 Landmark Square
Stamford, CT 06901
Phone (203) 324-2828.

Letters to the Editor

Readers React to Stereotypical Depiction of Father in 'Family Circus' Comic

Editor:

When I received the Winter 1991-92 issue of *Speak Out for Children*, I was literally stunned and dismayed to see the cartoon which is deprecating of fathers on the cover page. Is your editor a feminist mole? I am certain you could not have known, let alone approved this insult on fathers.

I request that an abject apology appear in the next issue of the newsletter to use this incident to emphasize the scale and scope of insensitivity in this nation regarding its chronic indifference to the plight of decent fathers who manage two households.

There are men who literally yearn to love their children of love in equal parts with the mother, but who are forced to see this grotesque character beside the already daily drum beat of affronts to their love and character. Surely this cartoon illustrates the scale and depth of insensitivity to how we "understand" and treat fathers.

I have gratefully appreciated NCCR's special interest in trying to locate my daughter Vanessa, who was taken by her mother seven years ago, and who has not yet been found, but I cannot let this cartoon go unchallenged.

Sincerely,

Thomas R. Harries, Ph.D.
Hampton, Virginia

Editor:

I am a great fan of NCCR. I also very much like *Speak Out for Children*.

I hope that in sharing my reaction to the cartoon in the Winter 1991 that you may only increase your understanding of one divorced father's point of view:

1. The father is pictured as boring, a little heavy, sagging shoulders, disorganized, without personality behind his eyeless glasses;

2. He speaks to say how much money would be saved if one could make three children and pets disappear — thus equating children with pets and their presence and support as an option;

3. His wife is slim, cute, and obviously involved in direct child care — bottle in hand;

4. Her smart retort shows the deep caring that women innately inherit the moment they received the XX chromosome sensitivity gift.

To try to make a positive point about the value of children, the women ends up stepping on the man. This cartoon actually reflects the bias that lets judges continue to try to turn fathers into mindless support machines



Reprinted with permission from King Features, Inc.

unable to enjoy past children or start future families. It is not "just a cartoon." Please find ways to express the great love both sexes feel toward children, without making one look like a mindless slob, a future deadbeat were it not for the glorious intervention of the state. I think the Dads' groups will appreciate the effort and give you increasing support.

Sincerely,

"Father of Six Treasures"
Charles Phillips, MD
Ontario, Canada

NCCR asked NCCR member Don Bieniewicz, who submitted the cartoon to NCCR for publication, to respond to the above letters. Here is his reply.

Editor:

The negative reaction by two readers to the "Family Circus" cartoon was heartfelt. I am sorry they were upset by it, but my reading of the cartoon was different than theirs and it was that reaction I intended to share when I submitted the cartoon to NCCR.

I read Bil Keane's "Family Circus" regularly. Both adults in this cartoon world are consistently portrayed as very caring parents and their children as happy, imaginative kids. They are a very warm and quintessentially stereotypical American family.

I read this cartoon as follows:

Dad is at his desk, immersed in the task of paying the monthly bills. In the midst of the task, while reading one of the many bills, he has a sudden realization of how much he and his wife spend on their children and pets — how much they have given up for them. He shares this

See Letters on page 4

1-parent families favored, some say

By Carleton R. Bryant
THE WASHINGTON TIMES

A consensus is emerging between conservatives and liberals on family and children issues, in that "two-parent families are best," a noted policy analyst said yesterday.

"But there is reason for concern. ... Many policies at the federal, state and local levels do not reflect this consensus," said William Mattox, director of policy analysis for the Family Research Council.

Taxes and inflexible work schedules weigh heavy on working parents, while welfare offers enviable relief and benefits for unemployed single mothers, he said in a panel discussion yesterday.

Sponsored by the National Council for Children's Rights, the discussion kicked off the council's sixth annual conference and featured policy experts debating "How to Encourage the Two-Parent Family, Especially After Divorce."

"The debate is no longer about whether divorce is liberating," said council President David Levy. "We know that it is not. ... The policy

debate today is focused on construction and preservation of families rather than on the division of spoils after divorce."

According to Robert Rector, a policy analyst for the Heritage Foundation, the most accurate indicator of future delinquency in children is whether they are reared in one- or two-parent homes.

Across the economic spectrum, children from single-parent households are more involved in crime and drugs than children from two-parent homes, Mr. Rector said. Moreover, adults raised in one-parent homes as children tend to create single-parent households through out-of-wedlock births and divorce, he added.

"We need to do everything possible to preserve the family. ... It's the basic cellular structure of society," said Sen. Christopher Dodd, Connecticut Democrat.

Lower wages, longer working hours and increased debt have placed families in an "economic vise" that has exerted "tremendous stress" on working parents, said Mr. Dodd, chairman of the Senate sub-

committee on children, family, drugs and alcoholism.

He criticized government programs that address only one or two problems some families face, saying, "We need to look at families as a whole ... to strengthen families — all families — in this country."

Noting increases in divorce rates and the number of one-parent homes, Mr. Dodd called for policies that improve financial supports for working parents and promote balance between work and family.

"The policies of the government, especially with regard to low income families ... have destroyed the two-parent family structure," Mr. Rector said.

America's welfare system actually rewards behavior that society would otherwise deem as irresponsible, for instance, "offering a paycheck to single mothers equal to \$13,000 a year as long as she doesn't work and doesn't marry a working male," he said.

The Washington Times,
March 20, 1992

Elwyn M. Shaw, CPA

- Federal and state tax preparation
- Tax audit and collection division representation
- Financial advisory services
- Bankruptcy

Telephone: (713) 526-2908

Letters

Continued from page 3

thought with his wife, who is resting for a moment nearby after feeding the baby. She naturally and joyfully reminds him that it was all worth it.

There is a clear visual signal in the cartoon that he feels exactly the same way. A baseball, a doll, and a toy truck sit on his desk, and a child's cap perches on his chair. He could easily move them away to make his desk top less crowded or to make his seat more comfortable, but he chooses not to, for his enjoyment of them, as reminders of his children, exceeds the cost of their clutter.

I submitted this particular "Family Circus" cartoon to NCCR because I thought it illuminated two very important points: 1) that parents who have their children with them will willingly spend considerable time and money on them (pointed out by the man), and 2) that such parents' enjoyment of their children is deemed more-than-sufficient com-

pensation for the large amounts they spend on them (pointed out by the woman).

That these facts are commonly ignored by the courts in divorce hearings always amazes me — as illustrated by their proclivity to give sole custody and enjoyment of the children to one parent, then require the other parent to pay the custodial parent financial "child support."

It strikes me as absurd that a divorcing parent who has aggressively sought the privilege of sole physical custody and enjoyment of the children, against the other parent's wishes, and has obtained such from the court, is then allowed to turn around and ask the judge to order "child support" from the non-custodial parent because they are now suddenly "burdened" with the children.

This reminds me of the infamous joke of the man/women who murders his/her parents and when hauled before the court pleads "have pity on me a poor orphan."

Don Bieniewicz,
Vienna, Virginia

150 Attend Candlelight Vigil at Lincoln Memorial

As he did in 1990, President Bush sent a message to NCCR's 1992 Candlelight Vigil at the Lincoln Memorial on behalf of positive parenting.

More than 150 people heard the greetings from the President, which were read during the vigil on March 20, 1992 at 9:30 p.m. The Vigil was part of NCCR's Sixth National Conference.

The President's message is reproduced at right.

The 6,650,000

The vigil served to validate the estimated 6,650,000 children who are having their access (visitation) with their non-custodial parents denied or interfered with by the custodial parents. Legislatures and the courts are doing little to prevent this interference, in NCCR's view.

At the vigil a roll-call of the states was read, to indicate how many children in each state are having their access (visitation) denied or interfered with by the custodial parents.

Speakers at the vigil included Judge Sammy Jones of Georgia; State Senator Debbie Stabenow of Michigan; Eliza Smoot, Michigan Association of Court Mediators; Kris Kline, author of "For the Sake of the Children"; Sonny Burmeister, George Council for Children's Rights; Dick Woods, Fathers for Equal Rights, Iowa; Carrol Zahorsky, National Congress for Men and Children, and Roger Doeron, Parent Action of Kansas.



Kris Kline

Attendees at the vigil braved a windy evening, with candles flickering in the shadow of Abraham Lincoln, to read the figures. David Leslie of ABC Radio covered the event for ABC Radio nationwide.

Although information on the numbers of children who reportedly do not receive financial child support are frequently cited in the media and research papers, the vigils by NCCR represent the first time, to our knowledge, that anyone has attempted to provide figures on children who do not receive access (visitation) with the non-custodial parent. We suggest you cite these figures when giving testimony in your state.

The 6,650,000 was estimated as follows: there are more than one million children of divorce in the U.S. each year, and millions of children of unwed parents. The low estimate of all of these children under age 18 is 18,000,000.

Various studies, including research by Wallerstein and Kelly in "Surviving the Breakup" (Basic Books, 1980) indicate custodial interference with access in 25 percent to 50 percent of cases. Using a middle figure (37 percent as an average) of children suffering from interference with access, times 18,000,000, yields about 6,650,000 children. Census figures for each state provided estimates for the number of children in each state who are affected.

THE WHITE HOUSE
WASHINGTON
March 20, 1992

I am pleased to send warm greetings to all those who are gathered on the grounds of the Lincoln Memorial for this Candlelight Vigil sponsored by the National Council for Children's Rights.

A happy childhood is one of life's greatest blessings, and how fortunate are those of us who enjoy many fond memories of our youth. Looking back as adults, however, we know that childhood is more than a special time of innocence and of long, carefree days at play -- it is also a crucial time of learning and development. Because childhood experiences help to shape one's identity and values for a lifetime, every youngster needs the steady affection, encouragement, discipline, and guidance of his or her parents.

As you know, meeting the responsibilities of parenthood is not always easy. In addition to age-old challenges, today's families face additional pressures, such as drug abuse, promiscuity, and crime. That is why your efforts to promote better parenting are so important, and that is why I have appointed a National Commission to study how we can best strengthen the urban American family. I am confident that, by working together in the public and private sectors, we can build more stable and loving families and ensure that all of our children are given the best possible start in life.

Barbara joins me in sending best wishes for an inspirational ceremony. God bless you.

Ag Bush

The estimated number of children whose access (visitation) to a non-custodial parent is interfered with by a custodial parent is listed by state, below.

State	Number of Children	Missouri	144,000
Alabama	115,000	Montana	22,500
Alaska	10,000	Nebraska	46,000
Arizona	69,000	Nevada	22,000
Arkansas	65,000	New Hampshire	27,000
California	700,000	New Jersey	216,000
Colorado	85,000	New Mexico	39,000
Connecticut	90,000	New York	518,000
Delaware	16,500	North Carolina	172,000
Dist. of Colum.	18,000	North Dakota	18,000
Florida	298,000	Ohio	316,000
Georgia	161,000	Oklahoma	99,000
Hawaii	28,000	Oregon	83,000
Idaho	27,000	Pennsylvania	349,000
Illinois	336,000	Rhode Island	27,000
Indiana	162,000	South Carolina	99,000
Iowa	85,000	South Dakota	19,000
Kansas	68,000	Tennessee	135,000
Kentucky	100,500	Texas	419,000
Louisiana	123,000	Utah	45,000
Maine	33,000	Vermont	15,000
Maryland	123,000	Virginia	157,000
Massachusetts	185,000	Washington	122,000
Michigan	270,000	West Virginia	56,500
Minnesota	119,000	Wisconsin	135,000
Mississippi	74,000	Wyoming	13,500
		Total	6,650,000

SPEAK OUT FOR CHILDREN Spring 1992 5

Groups Agree

Continued from page 1.

- Suzy Yehl Marta, Schaumburg, Illinois, founder and executive director of Rainbows for All God's Children,
- Elaine Ciulla Kamarck, Senior Fellow, the Progressive Policy Institute,
- Robert Rector, Policy Analyst, the Heritage Foundation,
- William A. Mattox, Jr., Director of Policy Analysis, the Family Research Council,
- Debbie Stabenow, state Senate, Michigan, author of Michigan's "Support and Visitation Law."

Ms. Marta said "divorce is the death of a dream for a child, thrusting the child into emotions they haven't lived long enough to experience. They need help in dealing with the grief and other emotions associated with parental divorce."

She noted that Rainbows for All God's Children is a support group for children and adults who have experienced the divorce of their parents. Rainbows, which has had 300,000 participants in 43 states and nine foreign countries since its inception in 1983, helps children of divorce understand they are not alone, and enables them to focus on ways to do better academically and in life.

The "Friend of the Court"

Senator Stabenow described the "Friend of the Court" system, which she has helped to strengthen. The FOC is the only state-wide system under which staff hears access/visitation, custody, and support complaints informally out of court. The system does not work perfectly, Stabenow

noted, but the fact that there is a state-wide balanced system encourages parental cooperation, without resort to the courts.

An FOC can make sure that a parent receives make-up visitation when violations occur, she said.

Dr. Kamarck, co-author of an article that said liberals need to realize that two-parent families are the most effective units for raising children, recommended mandatory counseling before divorce when children are involved, to make sure children's needs are put first.

She recommended reducing the combative nature of divorce, including reducing the role of lawyers, to minimize damage to children. She recommended that more family support services be delivered in the home or the community close to the people who need them, rather than at remote points.

Mr. Rector said that the government offers a package of welfare benefits to a single mother worth \$13,000 a year. The only two conditions on this disbursement is that the mother cannot work and that she cannot marry the father of her children. Rector called this "an incentive system from hell," which has helped to destroy poor families.

He recommended incentives to the formation of two parent families, such as tax relief for low income families, cuts in benefits to single parent families, and requirements that single parents work for welfare benefits.

The Parenting Deficit

Mr. Mattox, the author of a 1990

article entitled "The Parent Trap" which talked of the parenting deficit in America, said no-fault statutes need to be repealed so that one person can not walk away from the marriage where there are children.

He said that restoration of a fault base would not eliminate divorce, but might slow down divorce where children are involved.

Ronald K. Henry, partner, Baker and Botts law firm, said that the federal government spends more than a billion dollars a year on financial child support enforcement, but spends nothing on the emotional and psychological support of children. If the government really cares about children, the federal government will spend more money on the unintended consequences of divorce on children, Henry said.

Mediation, job training, access enforcement, and proper review of support orders are all forms of child support enforcement, Henry said.

Elizabeth McGonagle of the Banana Splits program, and Barbara Whitehead, Ph.D., of the Institute for American Values, could not participate as planned in the discussion because of illnesses in their families.

NCCR President David L. Levy, who moderated the discussion, said he was glad the panelists touched upon ways to encourage family formation and family preservation. He said NCCR believes that the model of parenting behind family formation and family preservation — two parents — is the model that should be followed in the event of family dissolution.

Thanks for Conference Help

Thanks for helping to make the conference a success to Heather Campbell, conference coordinator; Donna and Chuck Stewart, who come from their home in Colorado each year to help with our conference; Deanne Mechling, Director of Publications; Ed Mudrak, Director of Information Services; Clifton A. Clark, Director of Development; Ellen Dublin Levy, NCCR Secretary; Elliott H. Diamond,

NCCR co-founder; Stuart Miller, NCCR benefactor; Howard "Doc" Bladen, Diana Levy, Jimmy Boyd, who came from Texas two weeks before the conference to help with publicity, Louis Anderson, Al Ellis, John Bauserman Sr., John Bauserman, Jr., Paul Robinson, Lynn Nesbitt, Nancy Adams, Carla Goodwin, and NCCR coordinators who helped in the conference planning.



Bowen Travel handles all accommodations for NCCR conferences. We can also handle your everyday air travel needs. Bowen Travel offers the lowest possible plane fares available. Call them at 1-800-868-2129.

NCCR's Sixth National Conference a Success

A talk by Senator Christopher Dodd (D-CT), a message for our Candlelight Vigil at the Lincoln Memorial from President Bush, talks by leading national experts in family issues, interesting workshops, a book and author luncheon, and excellent networking highlighted the most successful conference in NCCR's history.

About 250 people from more than 40 states and Canada attended the Sixth National Conference at the Westpark Hotel in Arlington, Virginia, the largest attendance ever.

Congressman Jim Ramstad (R-MN) introduced Jo Anne B. Barnhart as "the highest ranking official of the U.S. Department of Health and Human Services (HHS) ever to address an NCCR conference."



Jo Anne B. Barnhart

Barnhart said the Census Bureau, which is funded by HHS, will soon begin collecting more comprehensive data on child support payments. At present, the Census Bureau only asks custodial mothers what they receive; it does not ask non-custodial parents (fathers or mothers) what they pay.

(Subsequently, HHS announced that beginning in April, 1992, custodial fathers will be asked what they receive. This information will be available starting in December, 1992).

Joan Berlin Kelly, Isolina Ricci, Claire Berman, Douglas Besharov, Jessica Pearson, Dr. Lee Coleman, Dr. Richard Gardner, and other nationally known writers, researchers, and family analysts spoke at the conference at the Westpark Hotel in Arlington, Virginia, just across the Key Bridge from the Georgetown section of Washington,



Isolina Ricci

D.C.

The theme for the conference was "The Best Parent is Both Parents."

Here are highlights of some of the talks; others will appear in our next issue.

Kelly on Adjustment of Children

Dr. Joan Berlin Kelly, Corte Madera, CA., co-author of "Surviving the Break-up", and divorce mediation expert, spoke about "Children's Post-Divorce Adjustment: Taking a Closer Look."



Joan Kelly

Dr. Kelly said that complex variables make it more difficult in the past five years to make simplistic statements about the adjustment of children postdivorce. She said that:

- The weight of the evidence over two decades is that children of divorce, especially boys, have significantly more problems than children of intact families.
- Children of divorce exhibit more aggressive, impulsive behavior, anti-social behavior, more difficulty in peer relationships, and more problem behaviors in school than for children of intact families.
- Studies of such children are generally based on reports from mothers in white middle-class children in mother-headed households.
- Children of divorce miss more school and spend less time on their homework, but initial differences in other areas, such as for IQ scores and math and reading achievement have been shown to be less noticeable when race and socioeconomic factors are considered.
- Internalizing factors, such as depression and withdrawal, show that differences are more related to parental conflict than whether

the parents are divorced or married.

Kelly said two parents are generally better than one parent for children, and she favors mandatory mediation, such as is required in California, because early intervention works to help prevent problems for children.

Kelly explained that research generally shows joint physical custody works better than sole custody, reduces loyalty conflicts, results in less father attrition, and is becoming more acceptable as parents see that joint custody works.

Berman on Stepfamilies

Claire Berman, author of "A Hole in My Heart: Adult Children of Divorce Speak Out," and former president of the Stepfamily Association of America, spoke on "What is 'Normal' for Stepfamilies?". She said:

- By the end of 10 years of marriage, 74 percent to 88 percent of stepfamilies will end in divorce.
- One out of 10 children will experience more than one divorce.
- Stepfamilies have unrealistic expectations and unrealizable goals because they judge themselves by the standard of the intact nuclear family.



Claire Berman

A stepfamily is a unique form of family borne of loss, affected by the myths of stepfamilies, which are the beliefs that there will be instant love and that stepmothers are wicked.

Instant love is a myth because as the newly married couple is rejoicing, the children are in mourning over the finality that their parents will never marry again.

The worst part of the widely believed wicked stepmother image is that even the stepmother herself be-

See Conference on page 8.

SPEAK OUT FOR CHILDREN Spring 1992 7

Out With The Old, In With The New – NCCR Changes its Name

The National Council for Children's Rights (NCCR) is changing its name!

Our new name is the Children's Rights Council.

This decision was made in order to put the name "Children" first. We believe this will assist in organizational and fundraising efforts.

We have made as slight a change in the name as possible, because our organization has built up a lot of credibility with the name National Coun-

cil for Children's Rights since it was formed nearly seven years ago.

We will continue to use both names for the indefinite future, but continue to use the acronym NCCR during this transition period.

Our stationary and other materials will state "Children's Rights Council, also known as the National Council for Children's Rights."

This name change was discussed by the NCCR board and chapter affiliates prior to the announcement of

the change at NCCR's Sixth National Conference in March.

We thank Tommy Foster of Prior Art Searches in Virginia, and Charles Ruggiero of Grimes and Battersby law firm in Stamford, Connecticut, for searching federal and state trademark files to determine that we could use the new name, and for filing the necessary papers with the Trademark Office.



Conference

Continued from page 7.

believes it when she has has an unloving thought. Almost every stepmother Berman has spoken to has believed she was wicked at one time or another.

What's normal for stepfamilies is a certain amount of jealousy (which can be overcome with time and counselling), and the recognition that certain problems will exist over discipline and money. The solution is to be coparents and remember that you are ex-spouses, but that you do not have ex-children.

Rancor can and must pass, especially if stepfamilies adopt the three Cs — commitment, communication between stepparent and natural parent, and compromise.

A stepfamily should base itself on fairness, decency, and the opportunity to work with each other; love will often follow.

Besharov on Child Abuse

Douglas Besharov, resident scholar, the American Enterprise Institute, and former director, the U.S. National Center on Child Abuse and Neglect (NCCAN), spoke on child abuse. He said:

- Social service agencies and courts



Douglas Besharov

should realize that child abuse allegations are not necessarily true — they could be true.

- There are 2,500,000 reports a year.

Some of these are second or multiple reports of one child. In every classroom in America, one child per class per year is reported. Sixty seven percent to 75 percent of the allegations are unfounded.

- America needs more public education and public awareness, screening of reports at hot lines by trained counsellors, and neutral investigations.
- There are still states that say the case should be investigated as if it is true. We need training and manuals to say reports could be true.
- Cost of legal representation should be reduced through legal counsel to legally indigent.
- Unbiased experts should be used, along with a rotation of experts who testify in court.
- Improving the accuracy of the system may appeal to many state agencies.

"To call for more careful reporting of child abuse is not to be coldly indifferent to the plight of endangered

children. Rather, it is to be realistic about the limits to our ability to operate child protective systems. If child protective agencies are to function effectively, they must be relieved of the heavy burden of unfounded reports."

Pearson on Access Research

Jessica Pearson, Ph.D., Director, Center for Policy Research (CPR), Denver, Colorado, spoke on results of evaluations of access (visitation) enforcement programs around the country, including Maricopa County, AZ; Detroit, MI; Ft. Myers, FL; Kansas City, KS; and Los Angeles, CA."



Jessica Pearson

The evaluations, conducted by the CPR, were funded by the State Justice Institute, Alexandria, Virginia, an agency established by Congress to enhance the administration of justice in the state courts.

They investigated 664 cases by means of 374 telephone interviews, and more than 50 personal interviews with professionals and families who have received program services. At each location, interviews were conducted with domestic relations judges

See Conference on page 9.

Book and Author Luncheon

Dr. Richard Gardner, a national expert on the parental alienation syndrome (PAS), spoke at the annual book and author luncheon at the conference on March 20.

Gardner is author of "The Parental Alienation Syndrome", published in 1992.

This work previously appeared in one book together with a discussion of the differentiation between fabricated and genuine child sex abuse allegations.

Vicki Lansky, who has written 24 books on parenting, including "Divorce Book for Parents," and who is a columnist for Family Circle Magazine, also spoke.

Other speakers and their books included:

Stephen P. Herman, M.D., "Parent vs. Parent";

Marcia Lebowitz, "I Think Divorce Stinks";

Leonard Marlow, J.D. and S. Richard



Richard Gardner

Sauber, Ph.D., co-authors of "The Handbook of Divorce Mediation";

Kris Kline, "For the Sake of the Children";

Claire Berman, "A Hole in My Heart: Adult Children of Divorce Speak Out";

Dean Tong, "Don't Blame Me, Daddy";

Lita Linzer Schwartz, "The Dynamics of Divorce."

Introducers of the speakers included:

Suzanne Fields, Washington Times columnist;

Sheila Eagan, manager of A Likely Story bookstore;

Shirley Thomas, manager of Brentano's Bookstore;

Karla Miller, district manager, Walden

Books; Michael Monaco, book manager of Olson's Bookstore, all popular

bookstores in the Washington area,



Adrian Cronauer

said Deanne Mechling, who coordinated the luncheon.

The event was emceed by Adrian Cronauer, Esq., the real-life announcer portrayed by Robin Williams in the movie, "Good Morning, Vietnam."

"All the speakers were quite good, and Adrian Cronauer was so funny, I can now see how Robin Williams was able to portray him so well," said Mechling.

Thousands of books, representing more than 100 different titles, many reports, and audio and video cassettes were carried at the conference bookfair. "People said the diversity of material on families and divorce constituted the best one-stop shopping on these subjects ever seen at a conference," said NCCR co-founder Elliott H. Diamond.

Conference

Continued from page 8.

and court administrators, child support enforcement agency administrators, family law attorneys, domestic relations court counsellors, and visitation enforcement program staff.

Pearson said she has found the following:

- The access problems that arise early after separation are deeply entrenched.
- Custodial mothers and fathers are equal in levelling safety and other concerns about how visitation is carried out.
- Facilities for safe, supervised visitation and supervised visitation

exchange services are needed where visitation is in questionable circumstances, such as cases of substance abuse, or driving under the influence of alcohol.

- We need to rethink what to do about highly litigious couples and work on prevention of problems.
- There is a critical connection between child support problems and non-payment behaviors in visitation enforcement cases.
- It is effective to specify visitation times and days instead of merely calling for "reasonable" visitation.
- Recognize parental desires for a forum in which support and visitation issues may be jointly considered, and additional program follow-through.

The Liberator

The men's movement monthly magazine.

Domestic relations, court news, gender issues and other topics.

\$20 per year

For information, write to:

**The Liberator
Men's Rights
Association**

**Rt. 6
Forest Lake, MN
55025-8854**

Awards Time Again

Annual Awards Name Best in Judiciary, Media, Parenting

At NCCR's conference, NCCR presented the annual Chief Justice Warren E. Burger Awards for "Healers" among lawyers, judges and others, Best and Worst in Media Awards, and for the first time, a new category, Positive Parenting Awards.

Healer Awards

Former Chief Justice Burger sent the following statement to the conference:

"I regret that a previous engagement will prevent me from attending the Chief Justice Warren E. Burger 'Healer' awards ceremony.... Rest assured, however, that I still feel as strongly as ever that lawyers should be healers, not just litigators, especially where family matters and the interests of children are concerned."

Award Winners

Three "Healer" awards were presented. They went to:

1. Sanford Jones, former court administrator in Atlanta, and now a juvenile court judge in Atlanta, for the embodiment of justice, and sensitivity to children and families.

Jones was nominated by the Georgia Council for Children's Rights, headed by Sonny Burmeister.



Judge Sanford Jones (l) gets a "Healer" award from Sonny Burmeister and Candace Schooley.



Ron Sieloff (l) receives a "Healer" award from Congressman Jim Ramstad (R-Minn.).

Chandler, on behalf of NCCR.

2. Ronald Sieloff, Esquire, an advocate for children's rights in Minnesota, for his monumental legislative effort to assist blended families.

Sieloff was nominated by Chief Justice Alexander Keith of the Minnesota Supreme Court, and R-Kids of Minnesota, whose leadership includes Martin Lopez,

Cheryl Lopez, and Tim Anderson.

Sieloff, who attended the conference with his wife Mary, was presented the award by Congressman Jim Ramstad (R-MN) on behalf of NCCR. Ramstad is a friend to Sieloff and R-Kids of Minnesota.

3. Betty Kessler, General Master, 11th Judicial Circuit of Florida, for ensuring the rights and concerns of children.

Kessler was nominated by Judge Richard Feder, a

See Awards on page 11.



89% OF KIDS WOULD LIKE TO SPEND MORE TIME WITH THEIR PARENTS.

This summer, dads will teach daughters to swim. Mothers will ride roller coasters with sons. All over North America, families will grow closer when they go away. And they'll spend their nights together at Holiday Inn® hotels.

It's easy to book a room at Holiday Inn.

When you call 1-800-TRIP-HOME, our reservation agent will work with you to book the right room at the right price. We have Summer GREAT RATES* at over 1,000 participating Holiday Inn hotels. And kids 12 and under can stay in your room free.

But reserve now, because rooms are limited.

STAY WITH SOMEONE YOU KNOW.

Holiday Inn

CALL 1-800-HOLIDAY OR YOUR TRAVEL AGENT

*See us online for details. © 1992 Holiday Inn. The great participating hotels are marked on our map. For more information, call 1-800-TRIP-HOME.

The Holiday Inn got a "Best in Media" award for this ad. The ad was created by Young and Rubicam of New York.

Bill Hess Wins Alaskan Ivory Sculpture in Raffle

NCCR held a raffle at the conference of a sculpture entitled "Alaska Child" by noted Alaska artist Cha. The sculpture, a fossilized-ivory carving mounted on ebony, is valued at \$1,600.

The winner of the sculpture was Bill Hess of the New Jersey Council

for Children's Rights.

The name of every conference registrant was entered in the raffle; in addition, raffles were sold prior to and during the conference to interested persons for \$2.00 each or three for \$5.00.

We thank:

- Cha for donating this fine sculpture for the raffle;
- Sandra Armstrong of Alaska for arranging for this donation from Cha;
- Everyone who purchased a raffle ticket.



Awards

Continued from page 10.

former Healer award winner, and NCCR members Richard Kraus and Bill Masters.

Master Kessler was presented her award by Carla Goodwin, who coordinates the Healer award presentations.

"Best in Media" Award Winners

"Best in Media" awards went to five winners. They were:

1. Kathryn Gibson, for her article entitled "Not Mothers' Rights or Fathers' Rights ... but Family Rights." This article first appeared in the Family Advocate, Summer, 1990, and has been widely distributed by NCCR. The article was nominated by several NCCR members.

2. Ellen Shuman of WCPO-TV, Cincinnati Ohio, for the excellent TV series entitled "Don't Divorce the Children". This was nominated by Sally Brush of the Aring Institute of Beech Acres, Cincinnati.

3. Suzanne Fields, for the body of her work that helps children and families. This nationally syndicated columnist, who often writes on family issues, appears in 100 newspapers. She also wrote the book entitled "Like Father, Like Daughter". She was nominated by NCCR members.

4. The Holiday Inn, for its advertisement that said "89 percent of kids would like to spend more time with their parents." The ad appeared in Parade Magazine and other media in 1991 and was nominated by NCCR Director of Development Clifton A. Clark and NCCR member Paul Kirschmeier.

5. Mary Romano of the Courier-News, New Jersey, for her in-depth series entitled "Divorce Wars" January, 1992, nominated by Eric Sturn, president of the New Jersey Council for Children's Rights.

Kathryn Gibson and Suzanne Fields received their awards in person. David Marano, a vice president of Holiday Inn International in Atlanta, accepted on behalf of Holiday Inn.

Positive Parenting Awards

This is a new award created by NCCR to honor persons and organizations who promote positive parenting. The three winners were:

1. Active Parenting of Marietta, Georgia, a national organization with more than 50,000 members, for video productions that benefit children. Nominated by NCCR General Counsel Mike Oddenino.

2. Sally Brush and the Aring Institute of Beech Acres, Cincinnati, Ohio, for outstanding programs to help children of separation and divorce. Nominated by NCCR members.

3. The Center for Psychology and Family Law Alternatives, for its outstanding film entitled "Children in the Middle". The Center is headed by Don Gordon and Jack Arbuthnot. Jack Arbuthnot received the award on behalf of the Center.

Michael Popkin, director of Active Parenting, Sally Brush, director of the Aring Institute, and Don Arbuthnot, a co-director of the Center for Psychology and Family Law Alternatives, received the awards on behalf of their organizations.



Sally Brush (r) gets a "Positive Parenting" award from Cathy Clark.

Worst in Media

For only the second time in NCCR history, we gave a "Worst in Media" award. It was given for the United Way of Atlanta, Georgia's billboards stating "More Fathers Leave Home Than Children Do," and TV ads stating "This is all that some fathers give to their children", followed by an illustration of sperm.

Sonny Burmeister of the Georgia Council for Children's Rights nominated the United Way of Atlanta for this award, for ads and billboards that appeared in the fall of 1991.

David Brenner Named Honorary President, Elisabeth Kübler-Ross New Advisor

David Brenner, the entertainer, is the new honorary president of the Children's Rights Council.

Brenner is an unwed father of a 9-year-old-boy named Cole. Brenner sought since Cole's birth to have access to the child, but there were problems in obtaining that access.



David Brenner

Several months ago, a New York judge gave custody to Brenner, whereupon the mother took Cole underground.

Joan Rivers showed Cole's photo on TV constantly, and two weeks later, the mother surfaced

with the child.

Brenner has stated that Cole needs and will have two active parents in his life.

"We are delighted to welcome Brenner as honorary president of the Children's Rights Council," said David L. Levy, CRC president.

Brenner could not be present at our last conference, but he sent a message, which was read to attendees,

stating in part, "I am happy and proud to be aligned with an organization such as the Children's Rights Council. As you probably know, this is an issue that is very close to me, and I am only too willing to help raise consciousness and funding for you. I look forward to a long, successful relationship with the Council, and it is my desire to see the rights of children recognized by our society. Together we can reach that goal..."



Elisabeth Kübler-Ross

Kübler-Ross's Work Widely Known

Dr. Elisabeth Kübler-Ross, internationally known for her pioneering work with terminally ill patients, and who now works to heal children and adults who have been traumatized by crime, abuse, war and long-term illness, is the Children's Rights Council's newest advisor.

Kübler-Ross, well-known for her book "On Death and Dying," published in 1960, lives in Head Waters, Virginia, where she conducts free workshops and encounter sessions.

Announcements

National Congress for Men and Children

The National Congress for Men and Children (NMC) will hold its annual conference August 27-29, 1992 at the Hyatt Regency Hotel in Dearborn, Michigan. Mothers Without Custody President Jennifer Isham will speak. The \$150.00 registration fee includes one dinner and two lunches. For information telephone 202-FATHERS.

The National Council on Family Relations

The National Council on Family

Relations (NCFR) will hold its 54th annual conference at the Clarion Plaza Hotel in Orlando, Florida on November 7-10, 1992. The theme is "Families and Work." Speakers will include Arlie Hochschild, who wrote "The Second Shift" and Joseph Pleck, who wrote "Working Wives, Working Husbands." Conference cost: \$115 members, \$180 non-members. For information call (612) 781-9331. NCFR is an endorsing organization of this conference.

Stepfamily Association

The Stepfamily Association of America (SAA) will hold its 11th conference in Oklahoma City, Oklahoma on October 1-4, 1992. The conference

theme is "Stepfamilies: Beautiful Variations." For information, contact Paula Gullion, Oklahoma Stepfamilies, P.O. Box 23631, Oklahoma City, OK 73123, phone 405-794-9521.

Mothers Without Custody (MW/OC)

This national support organization, which provides emotional support to mothers living apart from their children, will hold its 10th annual convention on October 9-11, 1992. The conference will be at the Sheraton Crystal City Hotel in Arlington, Virginia, about 10 minutes from National Airport. The cost of the conference is \$85. For registration information, contact Angie Mease at 301-649-4888.

Around the Country

California

In California, child support initiatives, though well meaning, have in the aggregate created the opposite of what is intended, states an editorial in the influential *Family and Conciliation Courts Review*, January 1992 issue.

The editorial discusses the potential negative effects of SB 101, the bill that would wipe out the credit in financial child support for joint custody.

The editorial is co-authored by Hugh McIsaac, director, and Maxine Baker-Jackson, assistant director of Family Court Services in Los Angeles, the largest mediation-type court service in the U.S.

The editorial states that the gender revolution may be replacing one bias for another. "All bias is rooted in the search for power, the power to take advantage of another, to discount their existence, or to deny their right for consideration.... We sense some of the seeds of this new bias in the demand for a preference for primary custody or increasing child support without a commensurate concern about the child's need for meaningful contact with both parents or the effect on the total family system.

"In California, we have experienced a spate of legislative initiatives, all well meaning, to increase child support levels, collections, penalties, and sanctions. These are worthwhile goals. Yet in the aggregate we may be creating a system which will make Bleakhouse look like the Ritz Carlton.

"In fact, we may achieve the opposite of what is intended. We may be accomplishing the consequences not unlike those achieved by California's mandatory sentencing laws which have not solved crime but have created overcrowded prisons, burgeoning crime rates and a system whose cost is exceeded only by its ineffectiveness.

"We now have more per capita in

prison than South Africa; the crime rate is spiraling, and the state is financially overburdened."

The January issue, dedicated to gender issues, contains articles on mediation, women judges, sex and history, and the disengagement of many noncustodial fathers after divorce (which the author finds related to the judicial and legislative disadvantaging of fathers on the basis of gender).

The January issue is available for \$13.00 from Sage Publications, Inc. 2455 Newbury Park, CA 91320, or may be reviewed at libraries which carry the publication.

Virginia

The fourth Ten Most Wanted list was released by the Virginia Department of Social Services (VDSS) in June, 1991. As in the previous three lists, VDSS officials said they "are finding the majority of the current big-time support enforcement evaders".

The following information about the 10 most wanted in the fourth list is reported in VDSS's Support Report, October, 1991.

1. Dean Allen C.: A federal tax intercept of \$1,331.77 has been received. Since the intercept was based on a joint return, it will be held for six months.

2. Wilbert C., Jr.: No new information.

3. Keith Anthony D.: Wage withholding served on employer located in Portland, Oregon. First payment credited to account August 13.

4. George Alfred H., Sr.: No new information.

5. Renier Peter K.: No new information.

6. Ferman Lamont P.: Mr. Payton was located in Dublin, Virginia, after making application to receive food stamps. A show cause hearing is being scheduled.

7. Andrew Lee R.: Mr. Roane turned himself in ... He was ordered

to pay \$60 bi-weekly for current support and \$150. per month on the arrearages. He signed wage withholdings.

8. Theodore R., Sr.: Located on the Department of Social Services computerized client information system as a former food stamp recipient.

9. Earl Richard W.: No new information.

10. Wesley Glen Y.: Leads obtained provided a verifiable employer. A mandatory withholding of earnings was issued to the employer and the first payment was credited to the account July 19.

NCCR notes the high taxpayer cost at finding people who are destitute. We are only giving the first letter of their last name out of respect for they and their children's privacy.

Northeast U.S.

The U.S. Department of Health and Human Services (HHS) held a conference in New York on April 9, 1992 on "We Can Make a Difference: Strategies for Combatting Child Maltreatment."

HHS said NCCR was one of about 125 regional invitees to the conference from the public and private sectors representing business, religion, special services, criminal justice and education. It was the first time NCCR has been invited to an HHS conference.

The conference was sponsored by Region II of HHS, covering states in the Northeast U.S.

Norman Wright of the New Jersey Council for Children's Rights (NJCCR), an affiliate of NCCR, represented NCCR at the conference. He is an equal joint legal and physical custodial parent.

Wright said the HHS program focused on ways the public and private sectors can work together to combat physical, emotional and sexual abuse of children.

See Around Country on pg. 14.

Bills and Resolutions in Congress

Listed below are bills and resolutions pending in Congress. A bill requires action by a state or persons; a resolution expresses the wishes of Congress, but does not require action. H. or H.R. refers to the House of Representatives; S. refers to the Senate. Where there is one committee handling a bill, we have provided the committee's phone number; where there are several committees involved, we have provided the sponsor's phone number. You may call to check on the status of legislation, or to express your views. It is even more important to let your own Representative and Senators know your views.

A House of Representatives subcommittee has approved H.R. 1241 (the



Rep. Andy Jacobs

goes to the full House.

Hyde bill) to provide federal criminal penalties for flight to avoid payment of child support arrearages. The bill now goes to House Judiciary Committee and, if approved there,

The same bill has been introduced in the Senate, S. 1002, by Sen. Richard Shelby (D-AL), and has not yet been acted upon by the Senate Judiciary Committee.

H.R. 1241 was approved by a House subcommittee on April 9, 1992. Seven members of the Committee were present; one, Congressman William Hughes (D-NJ) voted against the bill because he said the states should seek more uniformity between themselves on child support laws before the federal government criminalizes interstate flight to avoid child support.

Congressman Peter Hoagland (D-NE) voiced similar sentiments, but did not vote against the bill.

Congressman Steven Schiff (R-N) indicated he would favor a balancing amendment to enforce interstate flight to avoid visitation orders, but did not actually offer the amendment for a vote.

The committee spent 15 minutes discussing what is meant by the word "willful" in terms of "willful" flight across state lines to avoid support payments. The committee also said the bill was meant to apply to fathers or mothers who flee across state lines to avoid support.

Rep. Andy Jacobs (D-IN) is the first member of Congress to endorse in writing the "balancing amendment" proposed by NCCR to make interstate flight to avoid any part of a domestic relations court or-

der a federal offense.

Our thanks to David Dinn, head of the Indiana Children's Rights Council, an affiliate of NCCR, for contacting Rep. Jacobs.

Staff on Capitol Hill have reported that other members of Congress are favorably considering the amendment, which means the "balancing amendment" is gaining in acceptance, but it has not yet been introduced.

Letters and phone calls by NCCR supporters are needed to create a favorable climate for the balancing amendment.

NCCR's points have been that:

1. The federal and state judiciary have expressed general concern (although not yet specifically re: the Hyde bill) about Congress adding new classes of criminals to federal prisons, especially as the U.S. already has more people in jail per population than any Western nation.

2. If Congress does pass this bill, it should not allow parents to pick which line from a court order they will follow, and thumb their nose at the rest. If a parent flees across a state line to avoid any part of the domestic relations order, it should be an offense. Especially as the Census Bureau has found that parents with joint custody pay 90.2 percent of their

See Congress on page 15.

Around Country

Continued from page 13.

Wright said he was the only one at the conference who raised the subject of false allegations of abuse. Wright, a registered nurse who works with mentally ill and chemically addicted patients in a psychiatric hospital, acknowledged at the conference the scars that true abuse can leave on children, but pointed out that false allegations of abuse, which can occur especially in divorce battles, is a new and growing form of child abuse.

Wright said Charles Venti, regional administrator of New Jersey's Division of Youth and Family Services (DYFS), who was the facilitator of the

group where Wright spoke, acknowledged false allegations as a growing problem, and said the system must find ways to deal with it.

Wright is co-founder of After Divorce Amicably Parenting Together (ADAPT) in Monmouth County, New Jersey, telephone (908) 591-1306.

Iowa

The four winners of the second round of access/visitation grants awarded by the U.S. Department of Health and Human Services (HHS) have begun work on their grants. The winners, as previously reported, are The Arizona Supreme Court, the Boise State University, Idaho, the University of Massachusetts at Bos-

ton, and the Department of Human Services, State of Iowa.

Fathers for Equal Rights (FER), the subgrantee under the \$300,000 HHS Iowa grant, has hired an information and referral specialist and an access/visitation counsellor, according to Dick Woods, the head of FER.

Programs to be carried out under the grant will include training for lawyers and judges on ways to improve access enforcement, rage management class (teaching divorcing parents how to deal with anger constructively) and training of access counsellors.

The progress of other grant winners will be reported in future issues of Speak Out for Children.

Directory of Organizations

Copies of NCCR's fourth edition of its "Parenting International Directory" are expected to be available in late June, 1992. The Directory lists more than 1,000 organizations in the U.S. and abroad involved in custody reform, mediation, parenting, and child support.

For the first time, the directory will be divided into "verified" and

"unverified" portions.

All organizations that have completed the form NCCR sent to all organizations listed in last year's directory to verify information about their groups will be listed in the "verified" portion of the fourth edition.

Organizations listed in last year's directory that have not responded to our inquiry to complete

the form which provides information about their group will be listed in an "unverified" portion of the fourth edition.

We hope this will assist in networking around the country.

Order your copy of the fourth edition in hardcopy or on IBM 5 1/4" floppy disc for \$10.00 for NCCR members, and \$12.00 for non-members.

Congress

Continued from page 14.

support, parents with access (visitation) pay 79.1 percent of their support and parents with neither joint custody nor visitation pay only 44.5 percent of their support.

This shows that if we enforce all parts of a court order, more child support will be paid.

To contact House members, write Representative —
U.S. House of Representatives,
Washington, D.C. 20515

For the Senate, write or call Senator —
U.S. Senate
Washington, D.C. 20515.

The phone number for all members of Congress is (202) CA 4-3121.

Or contact your members of Congress at their district office near where you live.

S. 1411, Middle Income Tax Relief and Family Preservation Act of 1991. NCCR only takes a position regarding Title 3 of the Act, which would create a National Commission on Family Strengths. This Commission would, if established by Congress, examine both the noneconomic and economic impact of divorce on children and families, in order to enhance family stability. A spokeswoman for Sen. Christopher Dodd (D-CT), who introduced the bill, said Title 3 could be "split off" from the rest of the bill and passed separately.

This could be the vehicle NCCR has been seeking — to have Congress establish a commission to study the non-economic issues of divorce. We urge NCCR supporters to write to Sen. Dodd and to the Senate Finance Committee, which is

considering S. 1411, urging that Title 3 be passed separately.

Also urge, as NCCR chapter coordinators have recommended, that the 21-person commission, to be appointed by the President and leaders of Congress, be required more strongly than Title 3 suggests to include representatives of non-custodial parent groups and groups advocating a child's right to two parents.

S. 2514, to amend the IRS code of 1986 to allow taxpayers a bad debt deduction for certain partially unpaid child support payments and to require that this unpaid portion be considered additional income by the non-payer. This unpaid portion would then be subject to a surtax against the non-payer by IRS. Introduced by Sen. Dale Bumpers (D-AR), referred to the Senate Finance Committee, (202) 224-4515. Laurie Casey, a member of Vermonters for Strong Families and NCCR, is seeking balance in this and other tax legislation. Laurie may be contacted at P.O. Box 81, Moriah Center, NY 12961, phone (518) 942-3366.

H. Con. Res. 89, would express the wish of Congress that expert testimony concerning the nature and effect of domestic violence, including descriptions of the experiences of battered women, be admissible when offered in a state court by a defendant in a criminal case. Introduced by Rep. Connie Morella (R-MD), referred to House Judiciary Committee, (202) 225-3951.

H.R. 2055, to provide penalties for international parental kidnapping of children. Introduced by Rep. George Gekas (R-PA), and passed as an amendment to the House Crime Bill. A similar bill in the Senate, S. 1263, sponsored by Sen. Alan Dixon, passed as an amendment to the Senate

Crime Bill. The two versions must now go to a House-Senate conference committee. The co-sponsors of the bill adopted NCCR's view that interference with visitation should be specifically mentioned in this bill, not just interference with custody. Gekas can be reached at (202) 225-4315 and Simon's phone number is (202) 224-2152.



Rep. George Gekas

H.R. 579, to make it a crime for a parent to kidnap a child from one state to another in violation of a valid custody order. Introduced by Rep. Major Owens (D-NY). NCCR has urged that any such bill also provide penalties for kidnapping by a custodial parent in violation of access/visitation orders. Referred to Judiciary Committee, (202) 225-3951.

H.R. 3151, would require employers who withhold wages from absent parents owing child support payments to pay their amounts withheld to appropriate agencies within ten days after payment of such wages. Introduced by Rep. Olympia Snow (R-ME), and referred to Committee on Ways and Means, (202) 225-3625.

S. 4, to strengthen families and avoid placement in foster care, by providing intensive family services, family reunification services, and follow up services designed to strengthen families. Sponsored by Sen. Daniel Patrick Moynihan (D-NY), Sen. Lloyd Bentsen (D-TX) and others, and referred to Senate Finance Committee, (202) 224-4515.

Rep. Thomas Downey (D-NY) introduced a similar bill in the House, H.R. 571.

Chapter News

News from some of the 15 states and Canada where NCCR has chapters. News from national affiliate organizations is also included.

Mothers Without Custody

Mother Without Custody (MW/OC) is a national affiliate organization of NCCR. MW/OC President Jennifer Isham sent a letter to various members of Congress in support of the "balancing" amendment to the



Jennifer Isham

Hyde bill (see elsewhere in this issue for information about the balancing amendment).

Isham also sent a letter to the Interstate Child Support Commission favoring a recommendation to retain jurisdiction in child support cases in the state where the divorce and/or custody decree was issued (some members of the Commission have recommended that jurisdiction "follow the child" — go to whatever state a parent may take the child to).

Isham said "MW/OC promotes a healing and healthy outlook which embraces all non-custodial mothers and their children, helping all to find the emotional wellness with which to grow into healthy mature individuals. Reach, Teach, Learn and Love are the organizational goals for 1992."

She described them as follows:

Reach - outward, upward, but never backwards, for looking back is filled with "woulda", "coulda", and "shoulda", none of which were possible back then. Looking forward allows us the opportunity to grow and move ahead in our lives and to take control of our futures. Reach out to other noncustodial mothers so they can learn from both the pain of experience as well as from the lessons learned.

Teach - others about the issues facing non-custodial mothers. Edu-

cate the public at every opportunity to help break the stigma faced by non-custodial mothers. Teach not with anger but with integrity and information.

Learn - about yourself, what you want for yourself, where you want to be in the future. Learn about non-custodial parenting so that you can be the best possible parent to your children, given your own set of circumstances. Learn so you can share your information with others.

Love - unconditionally. Let go of self-guilt and work toward building self-esteem. Give yourself permission to love yourself so that you can be free to love (and even forgive) others. Give your children the gift of your unconditional love so they can then give it to themselves and others.

Ohio

Coalition of Parents Rights Association (CAPRA) did not oppose the establishment by Ohio authorities of



Andy Cvercko

"10 most wanted" posters listing offenders of back child support because CAPRA was assured passage of a bill that would advertise the "10 most wanted" for access/visitation violations.

Andy Cvercko of Youngstown, chairman of the statewide CAPRA organization, an affiliate of NCCR, said both bills are soon expected to pass the Ohio legislature.

"The bills have identical language insofar as the posters are concerned," said Cvercko.

NCCR believes Ohio may be the first state that would advertise the "10 most wanted" for access as well as financial support.

The 10 most wanted for visitation violations would be submitted by judges to the Ohio Department of Human Services.

"The reason the legislators are giving us S.B. 302 is because we did not fight them on the poster issue itself," said Cvercko, "and they accepted almost all of our amendments to S. 10."

"The main amendment is that the Ohio Department of Human Services must publish a public information pamphlet to be distributed in all Ohio administrative state buildings and hospitals detailing the responsibilities of both parents to their children upon establishing paternity. Fathers will be informed that upon coming forward they have a right by state law to access/visitation, custody, and shared parenting."

Cvercko, who is a certified mediator, said the title of the pamphlet will be "the father-child relationship".

Also, Cvercko said a bill will soon be introduced in the legislature based on Texas's minimum visitation law. Under the Texas law, a judge must give a parent about 32 percent of the time for access/visitation with a child, unless the judge finds it would not be in the best interests of the child to do so. Cvercko said Eric Anderson of Austin, coordinator of NCCR chapters, has helped provide information to the Ohio legislature about how well the Texas law is working.

Maryland

The Maryland chapter of NCCR helped block passage of a bill that would have removed the financial child support adjustment for joint custody.

Maryland law provides that financial support is adjusted if a parent has a child for at least 35 percent of overnights a year. Members of the Maryland chapter testified before the House Judiciary Committee in Annapolis against a bill that would have removed that adjustment, because it would remove an incentive for joint custody (shared parenting), said

See Chapters on page 17.

In the Courts

Relocation — The Right to a Hearing

A non-custodial parent who objects to the custodial parent's relocation with their child has a right to a hearing before the child is moved from the jurisdiction or soon thereafter, the Pennsylvania Superior Court has ruled. The court said its decision was based on the rights of parents to maintain a continuing relationship with their children. "In the absence of an agreement," the court said, "the non-custodial parent has a compelling right to be heard as to whether such a move is in the best interest of the minor child."

Plowman v. Plowman, Pa SuperCt, No. 0112290 Pitt. 1990, 10/7/91.

Burden of Proof

In a joint custody situation, it would be wrong to require the parent with primary physical custody of the child to establish that a relocation is in the child's best interests, the New Mexico Supreme Court has decided. Such a requirement would be an unconstitutional limitation on the parent's right to travel, the court said. Neither parent should have the burden of proof of establishing the ben-

eficial or harmful effects on the child, the court said. Instead, each parent has the burden of convincing the court that the new custody arrangement or parenting plan proffered by him or her should be adopted by the court.

Jaramillo v. Jaramillo; NM SupCt, No. 19324, 12/24/91.

Mother's Rights Superior Over Stepfather's

A divorced mother has a superior right to custody of a child, in a dispute with her ex-husband, who was the child's stepfather, the Nebraska Supreme Court has decided. The mother had agreed that the stepfather should have custody, but then changed her mind. The court rejected the stepfather's argument that the mother waived her superior right by giving him custody. The agreement did not deprive the court of the authority to determine what was in the child's best interest, the court said.

Stuhr. v. Stuhr (Myers); Neb SupCt, No. S-91-159, 3/13/92.



Children of Subsequent Marriage

A father who has to pay child support has the right to offer evidence of his expenses for the children of his current marriage in order to dispute his ex-wife's contention that the child support amount should be increased, the Alabama Court of Civil Appeals has held. The ex-wife had sought to have the amount increased to the figure in the state child support guidelines.

The court noted that the guidelines do not permit deductions from a child support payer's income to cover his expenses for children of a subsequent marriage, except for payments made under another child support order. However, the court said, this rule does not bar consideration of the father's expenses for the children of his second marriage. The court noted that there is a statutory obligation to determine whether application of the guideline would be unjust in the circumstances of the case.

Loggins v. Houk; Ala CtCivApp, No. 2900579 Oct. term 1991-92, 11/22/91.

The above are summarized from *Family Law Reporter*, and appear here by permission of the publisher, The Bureau of National Affairs, Inc.

Chapters

Continued from page 16.

Maryland coordinator Harvey Walden.

The Judiciary Committee voted against any change in Maryland law.

The Maryland chapter is also helping to promote cooperation between divorcing parents by publicizing "The Sensible Approach to Divorce," an award-winning film shown to all divorcing

parents in Wyandotte County (Kansas City, KS).

The judges in Wyandotte County require all divorcing parents in the county to attend a 2-hour parenting class, which includes watching this film, and participating in a discussion afterwards, led by Bev Willis and Mickie James of the County's pre-court trial services office. After this 2-hour class, about 50 percent of the divorcing parents reach voluntary shared parenting agreements, according to Willis.

The Maryland chapter gave a copy of the film to the Center for Divorcing Families, a new non-profit group in Montgomery County, just

outside Washington, D.C.

Copies of the tape are available through NCCR's "Catalog of Resources" for \$50.00 for non-members and \$40.00 for members of NCCR.

Kentucky

Kentucky NCCR Coordinator

Tracy Cox and her husband Schley had a baby girl, Hannah Schley Cox, born February 19, 1992. She is the sister of Jesseca.



Hannah Schley Cox



Harvey Walden

SPEAK OUT FOR CHILDREN Spring 1992 17

National Affiliate Organization

Mothers Without Custody (MW/OC)
P.O. Box 27418
Houston, TX 77227-7418
phone (713) 840-1626,
Jennifer Isham, president

NCCR Chapters

Alabama

Alabama Council for Children's Rights
501 Crosscreek Trail
Pelham, AL 35124
(205) 664-4865
Charles Crawford, chairman

Alaska

Alaska Dads and Moms
2225 Arctic Boulevard, Ste 303
Anchorage, Alaska 99503
(907) 274-7358
Gary Maxwell, state coordinator

Alaska Family Support Group
P.O. Box 52115
Big Lake, AK 99652-1151
(907) 892-7760
Steve Strube, president

Second Wives and Children
P.O. Box 875731
Wasilla, AK 99687-5731
(907) 376-1445
Tracy Driskill, president

Connecticut

Connecticut NCCR chapter
P.O. Box 511
Farmington, CT 06034
(203) 673-9325
Mike Glanovsky, coordinator

Florida

Florida NCCR chapter
113 W. Tara Lakes Drive
Boynton Beach, Florida 33436
(407) 369-3467
Piotr Blass, coordinator

Georgia

Georgia Council for Children's Rights (GCCR)
P.O. Box 70486
Marietta, GA 30007-0486
(404) 591-7772
Sonny Burmeister, coordinator

Indiana

Indiana Council for Children's Rights (ICCR)
2625 N. Meridian, Ste 202
Indianapolis, IN 46208
(317) 925-5433
David Dinn, coordinator

Iowa

Fathers for Equal Rights, Inc.
3623 Douglas Avenue
Des Moines, IA 50310
(515) 277-8789
Dick Woods, coordinator

Professionals Serving Custodial and Non-Custodial Parents
(515) 263-9511
Eric Borneth, J.D.

Kentucky

Kentucky chapter of NCCR
Pumpkin Ridge Farm
Pellville, KY 42364
(502) 233-4614
Tracy Cox, coordinator

Maryland

NCCR Maryland chapter
417 Pershing Drive
Silver Spring, MD 20910
(301) 588-0262
Harvey Walden, coordinator

New Jersey

New Jersey Council for Children's Rights (NJCCR)
P.O. Box 615
Wayne, NJ 07470-0615
(201) 694-9323
Erich Sturn, president

Ohio

Coalition of Parental Rights Associations (CAPRA)
227 S. Roanoke Avenue
Youngstown, OH 44120
(216) 799-9787
Andy Cvercko, president

Pennsylvania

P.E.A.C.E. (Parents Equality and Children's Equality)
20 1/2 S. Bradford St.
Allentown, PA 18103
(215) 776-4194
Gary Onuschak, coordinator

Texas

Texas Children's Rights Coalition (TCRC)
P.O. Box 12961
Capitol Station
Austin, Texas 78711
(512) 836-6621
Eric Anderson, state coordinator and nationwide chapter coordinator

Vermont

Vermonters for Strong Families
RR 1, Box 284A
E. Montpelier, VT 05651
(802) 454-8462
Fred Tubbs, president

Virginia

Fathers United for Equal Rights and Women's Coalition
P.O. Box 1323
Arlington, VA 22210-1323
(703) 451-8580
Paul Robinson, president

Family Mediation of Greater Washington
10300 Eaton Road
Fairfax, VA. 22030
(703) 522-7628
Laurence Gaughan, Esq., mediator

Canada

NCCR chapter of Canada
P.O. Box 77007
Ottawa South, RPO
Ottawa, Ontario K1S-5N2, Canada
613-746-6729
Robin Glazier, coordinator

NCCR's Affiliates and Chapters

National, state and local organizations whose goals are common with NCCR are welcome to affiliate with NCCR. These groups include custody reform advocates, mediators, pre-court trial services, and other parenting groups.

NCCR also encourages formation of state chapters with goals closely aligned to NCCR. Coordinators of our state chapters maintain contact by mail exchange and cross-country telephone conference calls between the chapters and NCCR national. In this way, chapters can benefit from each other and do not have to constantly "re-invent the wheel".

If you live in a state where there is an NCCR chapter, we urge you to join the chapter. In this way, you will be networking with a chapter and national NCCR to reform custody law

and attitudes around the country. By becoming a member of the chapter, you also become a member of National NCCR.

Existing chapters are listed above. If you would like to learn if a chapter is forming in your state, contact NCCR.

If you are a member of NCCR, and you would like to form a chapter in your own state or community, write to Eric Anderson of Texas, NCCR chapter coordinator, for our affiliation booklet. This 37-page booklet explains everything you want to know about affiliation.

Both the National Council for Children's Rights and the Children's Rights Council, the new name for NCCR, are protected by federal trademark law.



Check it Out!

Advertise in

SPEAK OUT FOR CHILDREN

Write to:

NCCR

**220 I Street NE Suite 230
Washington, D.C. 20002-4362**

Child Support Analysis

For presenting your own case in court (Strictly confidential) or for presenting to your legislature. Includes proposals for equitable results in a variety of situations. Laser quality data and graphs.

Sharp Data

When you want to make a POINT!

Fred Tubbs (802) 454-8462

RFD 1 box 284A

East Montpelier VT 05651

Serving all 50 states.

Here are a few selections from The
National Council for Children's Rights

1992

CATALOG OF RESOURCES

for parents
and professionals

The NCCR catalog lists more than sixty books, written reports, audio-cassettes, model bills and gifts for children. Members can receive additional free copies of the catalog by contacting NCCR. Non-members can order one for \$1.00. Write: NCCR, 220 I St. N.E., Suite 230, Washington, D.C. 20002-4362.

Send all book orders to: NCCR Books, P.O. Box 5568, Friendship Station, Wash., DC 20016. Add \$2 for 1st book, 50¢ each add'l book for shipping and handling.



Especially for Kids

I Think Divorce Stinks, by Marcia Lebowitz. Cartoon style, story form that helps children recognize that it is appropriate to have negative feelings about divorce and to express these feelings. **BKK-104 — 16 pages. SB \$4.95.**

Divorce Happens to the Nicest Kids, by Michael S. Prokop, Md.Ed., school psychologist. An illustrated book explaining divorce in a positive and reassuring manner. For kids ages 3-15 and adults. **BKK-106 — 220 pages. SB \$11.95.**

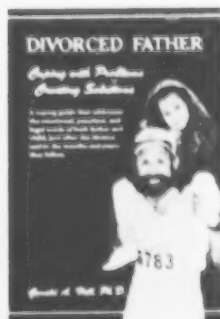
Especially for Stepparents

How to Win as a Stepfamily, by Emily Visser, Ph.D., and John Visser, M.D. The co-founders of the Stepfamily Association of America answer questions and give specific suggestions for adults on how to make their stepfamilies work. **BKS-301 — 198 pages, HB. \$13.95.**

Especially for Single Parents

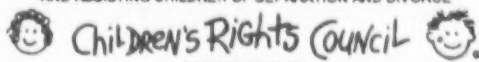
The Single Mother's Survival Manual, by Barbara Duncan. This "how-to-do-it" reference-style book deals with many basic, everyday problems of single mothers; and gives practical, positive information and solutions. Written with wit, warmth and understanding. **BKF-401 — 77 pages. SB \$12.95.**

The Nurturing Father — What Happens When Fathers Stay Home, by Kyle D. Pruett, M.D. Describes benefits to and pleasures for everyone when dad is involved. Explains how fathers can stay home to raise the kids, while mothers can still go out to work. **BKF-402 — 322 pages, SB \$9.95**



Divorced Father — Coping with Problems, Creating Solutions, by Gerald A. Hill, Ph.D. A coping guide for parents and children that addresses emotional, practical, and legal needs just after divorce, and in the years that follow. **BKF-403 — 188 pages, SB \$7.95.**

A NON-PROFIT, TAX EXEMPT ORGANIZATION STRENGTHENING FAMILIES
AND ASSISTING CHILDREN OF SEPARATION AND DIVORCE



ALSO KNOWN AS

NATIONAL COUNCIL FOR CHILDREN'S RIGHTS

220 Eye Street N.E., Ste 230, Washington, D.C. 20002-4362

Non Profit Organization
U.S. Postage
PAID
Washington, D.C.
Permit # 881

Address Correction Requested

fuc

Please Reprint This in Your Newsletter or Journal



Children's

Rights

ALSO KNOWN AS

NATIONAL COUNCIL FOR CHILDREN'S RIGHTS

Council



We are proud of your achievements, NCCR! Sign me up and send me the benefits listed below. Enclosed is my tax deductible contribution as a:

- ☐ New member, \$35 ☐ Sustaining member, \$60 ☐ Sponsor, \$125
☐ Life member, \$500 ☐ Other \$ _____
☐ I can't join now, but here is my tax-deductible contribution of \$ _____

PLEASE CHECK ALL THAT APPLY.

- ☐ MC ☐ VISA CC# _____ Exp. date _____

NCCR # _____ if renewal or change of address, see NCCR number on label.

Title _____ (Mr., Ms., Dr., Rev., etc.)

Name _____ (Must be provided.)

Suffix _____ (ACSW, MD etc.) Nickname _____ (Optional.)

Organization (48 Character maximum): _____

Delivery Address (48 Character maximum): _____

City _____ State (2 characters) _____

Zip code _____ - _____

Country _____ (If other than US.)

Organization phone _____ Home phone _____

Work phone _____ If organization is listed in NCCR Directory, organization phone number will be listed.

Individual and work phone numbers are for NCCR internal use only.

Fax number _____ Chapter name, if affiliated with NCCR _____

As a member, please send me *Speak Out for Children* (NCCR's Quarterly Newsletter), Catalog of Resources (which I receive discounts) and the following at NO ADDITIONAL COST:

- "A Child's Right - 2 Parents," Bumper Sticker.
- FREE! A \$10 VALUE — A 32-page report, Written Preliminary Proceedings from NCCR's 1990 Fifth Annual Conference (submitted prior to conference). Includes 18 different reports including Child Sexual Abuse, New Access (Visitation) Research, What is Happening in the Black Family, How to Avoid a Parentectomy, and Activities of the ABA's Center on Children and the Law.

For my membership of more than \$35.00 or renewal, send me a list of free items I'm entitled to (the higher the contribution, the more items that are free).

If you are an individual member of NCCR, your name may be given on occasion to other children's rights organizations, organizations that support NCCR, or individuals seeking a referral for help. If you do not want your name to be given for these purposes, please check here ☐.

Call (202) 547-NCCR (6227) to charge your membership to a credit card, or
send completed form to NCCR, 220 I Street N.E., Suite 230, Washington, D.C. 20002-4362.

Bulk copies of this newsletter are available (20 for \$15, 50 for \$30, and 100 for \$59) for distribution to policy-makers, judges, and interested persons in your state. Send order to NCCR.

Distributed by:

If you are a resident of AL, AK, CT, FL, GA, OH, IN, IA, KY, MD, NJ, PA, TX, VA, VT, we ask that you join the NCCR chapter in that state (which includes membership in NCCR National). For address of chapter in those states, see elsewhere in this newsletter, or write to NCCR for information.

 Children's Rights Council
ALSO KNOWN AS
NATIONAL COUNCIL FOR CHILDREN'S RIGHTS

220 Eye Street N.E., Ste. 230, Washington, D.C. 20002-4382 Telephone (202) 547-NCCR (6227)

ACTION ALERT!!! ACTION ALERT!!! ACTION ALERT!!!

June, 1992

Please help get members of the House and Senate Judiciary Committees to introduce a "balancing amendment" to H.R. 1241, the bill that would provide federal penalties for interstate flight to avoid financial child support. The same bill in the Senate is S. 1002.

Names of Representatives and Senators who are members of the Judiciary Committees, who are considering this legislation, are listed below.

Problems concerning this legislation, and a sample letter to write are on the reverse (similar to our Action Alerts of Feb and May, 1992).

If you have already written, thank you. Please write again. If you have not written, your letters count! ONLY A MEMBER OF THE JUDICIARY COMMITTEES CAN INTRODUCE A "BALANCING" AMENDMENT. Some Congress members, including Rep. Andy Jacobs (D-IN) support a balancing amendment, but they are not on Judiciary, so they can not introduce an amendment in committee, where it is all important to do so! We need action, now!

We ask that:

- if your Representative or Senator is a member of a Judiciary Committee, it is important that you write to them! You are a constituent! Your views need to be heard!

- If your Representative or Senator is not on Judiciary, write to a Representative or Senator who is!

- If you have a friend or relative in a state represented by someone on Judiciary, ask them to write (or better yet, prepare a draft letter for their signature!). Write as many letters, and get as many letters written, as you can.

NCCR representatives were recently in the office of a senator and were told that although they get many complaint letters about unpaid financial support, they have never received a letter from a parent or grandparent with access (visitation) problems. Other Congressional offices report infrequent letters received about access problems.

If you write and get no response, or the response is not germane, write again! Be polite, factual, and gender neutral.

And remember, three short letters count for more than one long letter. Write to members of the House Judiciary Committee, as:

Representative ---, House of Representatives, Washington, D.C. 20515.

Jack Brooks, D-TX, chair; Don Edwards, D-CA; John Conyers, D-MI; Romano Mazzoli, D-KY; William Hughes, D-NJ; Mike Synar, D-OK; Patricia Schroeder, D-CO; Dan Glickman, D-KS; Barney Frank, D-MA; Charles Schumer, D-NY; Edward Feighan, D-OH; Howard Berman, D-CA; Rick Boucher, D-VA; Harley Staggers, D-WVA; John Bryant, D-TX; Mel Levine, D-CA; George Sangmeister, D-IL; Craig Washington, D-TX; Peter Hoagland, D--NE; Michael Kopetski, D-OR; Jack Reed, D-RI.

Hamilton Fish, R-NY; Carlos Morehead, R-CA; Henry Hyde, R-IL; Jim Sensenbrenner, R-WI; Bill McCollum, R-FL; George Gekas, R-PA; Howard Coble, R-NC; Lamar Smith, R-TX; Craig James, R-FL; Tom Campbell, R-CA; Stephen Schiff, R-NM; Jim Ramstad, R-MN; George Allen, R-VA.

Write to members of the Senate Judiciary Committee, as:
Senator ---, U.S. Senate, Washington, D.C. 20515.

Joseph Biden, D-DE, chair; Dennis DeConcini, D-AZ; Edward Kennedy, D-MA; Howard Metzenbaum, D-OH; Patrick Leahy, D-VT; Howell Heflin, D-AL; Paul Simon, D-IL; Herbert Kohl, D-WI; Strom Thurmond, R-SC; Orrin Hatch, R-UT; Charles Grassley, R-IA; Alan Simpson, R-WY; Arlen Specter, R-PA; Hank Brown, R-CO.

XXXXXXXXXX

Please consider a donation to NCCR to help defray the cost of this mailing. Thank you.

(OVER)

FACT SHEET REGARDING H.R. 1241 and S. 1002

* There is substantial doubt about creating new federal crimes from state court civil actions. The federal courts are concerned about the burdens imposed upon them by new federal crimes, as Chief Justice Rehnquist stated in the *Legal Times* of Washington, D.C. (1/1/92 issue).

* A domestic relations order is an integrated document imposing rights and responsibilities on both parents. It is irrational for the federal government to single out only one portion of the order. Compliance with interstate cases will be enhanced by federal enforcement of all portions of the domestic relations order.

* The Census Bureau reports that parents with access/visitation pay 79.1% of their support, but parents with no visitation pay only 44.5% of their support.

* The amendment recommended by NCCR is to apply the law to "custody, visitation, and support orders."

* The NCCR amendment does not require the federal government to relitigate the merits of any aspect of a domestic relations order. The amendment is only to enforce ALL portions of the custody, visitation, and support order in interstate cases.

* The current language imposes irrational results. If a child support obligor who is unemployed and is six months behind in child support moves to a new state to seek work, the proposed legislation presumes the individual is a criminal. Similarly, if the child has already moved to a new state and the debtor/obligor merely follows to remain close to the child, criminality is presumed.

* The proposed bill irrationally creates a presumption of criminality simply from two constitutionally protected status positions: (1) interstate travel is constitutionally protected and (2) debtor's prison is constitutionally prohibited. Nevertheless, the statute presumes that a felony has been committed solely from the fact that the child support obligor (1) moved to a new state and (2) fell six months or more into debt.

* The proposed bill provides \$30 million to enforce over three years. However, NCCR estimates the true costs at three to four times that amount, \$90-\$120 million, to the taxpayers. Less costly, more effective approaches should be tried first.

* Vice President Dan Quayle, California Gov. Pete Wilson, Institute for American Values President David Blankenhorn, and other observers state that children need a father as well as a mother. Let us pass legislation that will be "family friendly" and send the right signal to children and parents.

SAMPLE LETTER

Representative --
House of Representatives
Washington, D.C. 20515

Senator ---
U.S. Senate
Washington, D.C. 20510

Dear Representative/Senator:

I ask that you sponsor a balancing amendment to H.R. 1241 and S. 1002 to provide federal criminal penalties for violations of custody and visitation orders as well as for violations of support orders.

Parents should not be allowed to flee across state lines in violation of any lawful domestic relations court orders.

Vice President Dan Quayle, California Gov. Pete Wilson, Institute for American Values President David Blankenhorn, and other observers state that children need fathers as well as mothers. While we cannot speak for them regarding this legislation, we urge you to make the bill "family friendly" to children as well as to parents.

The Census Bureau reports that parents with visitation pay 79.1% of their support, and parents without visitation pay only 44.5% of their support (See Child Support and Alimony Report for 1989, Series P-60, No. 173, issued Sept. 1991).

A balancing amendment will not involve Congress in determining who gets custody, visitation, or support, only in enforcing those orders against parents who flee across state lines to avoid those orders.

Such a balancing amendment will be in line with provisions of the Hague Convention Against International Abduction of a child by his or her parents and the crime bill pending in Congress dealing with penalties for such an act.

Avoid the unintended consequences of passing a bill that sends the wrong signals. Please let me know if you will sponsor and support a balancing amendment, so our nation's children can get the financial and emotional child support they need and deserve. Thank you.

Sincerely yours,
Your signature

cc.: Judiciary Committees
Rep. Henry Hyde (R-IL); Sen. Richard Shelby (D-Al)

(Adapt this letter and send it to your local newspaper, or to a newspaper in a Judiciary Committee member's home district).

(COVER)

BEST COPY AVAILABLE

NCCR's 1992 *Catalog of Resources* is available. Copies were mailed in late 1991 to all NCCR members. If you are a member, you may order an additional free copy of the catalog, write to NCCR. The cost of the catalog for non-members is \$1.00. The expanded catalog lists 75 items, including books, reports, audio/video cassettes, and gifts for children.

If you would like bulk copies of the *Catalog of Resources* (or copies of flyers describing NCCR) for distribution at court houses, mediation centers, pre-court trial service offices, or other distribution points, write to NCCR. Let us know how many you want and where you would like to distribute them.

Unable to Attend the Conference?

Or you attended, but you would like copies of the proceedings?

Proceedings Available in Booklet, Video and Audio Cassette

NCCR Members Get 20% off Order Price!

Send all orders to the National Council for Children's Rights, Suite 230, Washington, D.C. 20002

Available in Written Form Only

Presentations at NCCR's Sixth National Conference (submitted by February 17, 1992). Summaries by Jessica Pearson, Joan Berlin Kelly, Claire Berman, Lee Coleman, Douglas Besharov, Judge Lawrence W. Kaplan, and many others. Bound, glossy cover, 36 pages. \$15.00.

Available in Video (VHS) or Audio

Video, \$25.00; Audio, \$8.00.

Children's Post-Divorce Adjustment: Taking a Closer Look. Joan Berlin Kelly, Ph.D., executive director, Northern California Mediation Center, Corte Madera, CA, co-author of *Surviving the Break-Up* (Basic Books (1980).

Results of Evaluations of Access (Visitation) Enforcement Programs Around the Country. Jessica Pearson, Ph.D., Director, Center for Policy Research, Denver, CO.

How to Make Custody Determinations Less Adversarial — Perspectives from the Courtroom. Judges Lawrence Kaplan, PA; Rosemarie Annunziata, VA; and David Gray Ross, MD; Lawrence Gaughan, mediator and attorney, VA; Michael Oddenino, General Counsel, NCCR, CA.

Symposium on Financial Child Support: Technology, Analysis, and Recommendations for Improvement. Roger Gay, M.S., TX; Fred Tubbs, VT; Brent Whiting, M.S., M.S.E., WA; Don Bieniewicz, VA.

How To Develop an NCCR chapter. David L. Levy, NCCR President; Eric Anderson, TX, coordinator of all NCCR chapters; Sonny Burmeister, GA, President, Georgia Council for Children's Rights. Introduction by David Brenner, entertainer, NCCR Honorary President.

New Data and Findings Regarding Children of Divorce. Anna Keller and John Bauserman, Vice-Presidents of NCCR.

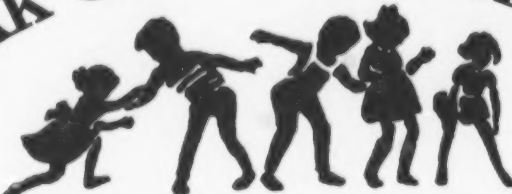
What's "Normal" for Stepfamilies? Claire Berman, NY, author of *A Hole in My Heart: Adult Children of Divorce Speak Out, Making It as a Stepparent* and other books on stepfamilies.

Update on Federal Government Activities and Financial Child Support and Access (Visitation) Enforcement. Jo Anne B. Barnhart, Assistant Secretary for Children and Families, U.S. Department of Health and Human Services (HHS), Washington, D.C.

Over

*Strengthening Families**Assisting Children of Separation
and Divorce*

SPEAK OUT FOR CHILDRENTM



The Quarterly Newsletter of The Children's Rights Council, Inc.
(also known as The National Council for Children's Rights, Inc.)

220 I Street NE, Suite 230, Washington, DC 20002-4362 • Phone (202) 547-6227 Fax (202) 546-4CRC (4272)

In U.S. Congress

Financial Child Support Assurance Proposed

A new blueprint for financial child support was unveiled by Congressmen Tom Downey (D-NY) and Henry Hyde (R-IL) on May 12, 1992, but child advocates and Bush Administration officials quickly opposed it.

Designed to "promote parental responsibility and strengthen the American family," the proposal would create a new guaranteed cash benefit for children in single parent families and federalize the nation's state-run enforcement system by making the IRS the central collection agency. It would also require non-custodial parents to take public service jobs if they don't have the money to pay financial child support.

Downey and Hyde hope that by assuring a predictable source of support for children, they will increase the incentives and requirements for families to work to support their children.

"We have undergone a social revolution of the first order in the explosion of divorce and out-of-wedlock births in the past generation," said Downey, one of the sponsors of the proposal. "But right now we're still using the tools of the 19th century to deal with it."

"I'm appalled by what I see in America today," said Henry Hyde, the other sponsor, "The disintegration of our families and the havoc this has wrought on millions of innocent children will haunt us in the years ahead."

"We're tired of the father getting off the hook," said Hyde.

(This proposal, which has not been introduced in bill form in Congress, and may never be, is not to be confused with the Hyde/Shelby

bill that would create a federal crime for interstate flight to avoid financial child support, reported elsewhere in this newsletter).

Critics call it Welfare

Critics of the Downey/Hyde proposal said it would have the same anti-family effects as traditional welfare programs. Both Douglas Besharov, a domestic policy specialist at the American Enterprise Institute and CRC President David L. Levy were quoted in the Washington Post on May 13 as critical of the idea.

Besharov said he was worried that this proposal just "creates a new source of income for single mothers, but with no corresponding new responsibility" and that it "is out of line with the new thinking of welfare—which is to see it as an arrangement of mutual obligations."

Levy said it would establish "yet another resource we direct towards single parents."

The benefit would only be granted when the non-custodial parent could not be made to pay that amount of financial support. It would be awarded regardless of the income of the recipient, thereby eliminating the work disincentives built into Aid to Families with Dependent Children (AFDC).



Congressman Downey

IN THIS ISSUE:

CRC's Finances	3
CRC's Next Conference	3
Awards Time Again	3
Forum Change Recommended	4
Caution Urged on Domestic Violence	5
Increase in Father-Headed Households	6
Directory of Organizations	6
Inside CRC	7
Quayle and the Murphy Brown Affair	8
Around the Country	9
Chapter News	10
In the Courts	11
Bills and Resolutions in Congress	12
More Chapters Sought	13
Conference News	14
For the Sake of The Children	16
Hague Convention Against Parental Abduction	16
Chapters	17

See Child Support page 6

SPEAK OUT FOR CHILDREN is published by the Children's Rights Council, Inc.

Editors: David L. Levy, Elliott H. Diamond.

Contributors to this issue: Kenneth Skilling, Deanne Mechling, Ed Mudrak, Charles Davis, Paul Robinson.

Semester-in-Washington student legislative interns Jenny Brillhart (Smith College); Dan Cohen (University of Pennsylvania); Dawn Smith (Xavier University); Emily Hadlow (Smith College); Sonya Richburg (Rutgers University).

About CRC

The Children's Rights Council (CRC), also known as the National Council for Children's Rights, is a non-profit [IRS 501(c)(3)] organization, based in Washington, DC. We are concerned with the healthy development of children of divorced and separated parents. For the child's benefit, we seek means of reducing divorce by strengthening families through divorce and custody reform, minimizing hostilities between parents who are involved in marital

disputes, substituting conciliation and mediation for the adversarial approach, assuring a child's access to both parents, and providing equitable child support.

CRC was founded in 1985 by concerned parents who have more than 40 years collective experience in divorce reform and early childhood education.

Prominent professionals in the fields of religion, law, social work, psychology, child care, education,

business and government comprise our Advisory Panel.

For further information about membership, publications, cassettes, catalog, and services, write: CRC, 220 I Street, NE, Washington, DC 20002, or call (202) 547-6227. Our fax number is (202) 546-4CRC (4272).

SPEAK OUT FOR CHILDREN is published at least four times a year and is sent free to members. Send letters, comments, and articles for publication to Editor, CRC.

OFFICERS:

David L. Levy, Esq. President
Anna Keller, Vice President
John L. Bauserman, VP/Treasurer
Ellen Dublin Levy, Secretary

HONORARY PRESIDENT:

David Brenner, Entertainer
New York, New York

HONORARY CHAIRMAN:

Mark Goodson, TV Producer
Beverly Hills and New York

CHAIRMAN:

Stuart W. Cochran II
Elkhart, Indiana

GENERAL COUNSEL:

Michael L. Oddenino
Arcadia, California

DIR. OF INFORMATION SERVICES:

Ed Mudrak

DIRECTOR OF PUBLICATIONS:

Deanne Mechling

DIRECTOR OF DEVELOPMENT:

Clifton A. Clark

ADVISORY PANEL:

Rabbi Mendel Abrams, D. Min.
Former President, Board of Rabbis
of Greater Washington, DC

Sam Brunelli, Executive Director
American Legislative Exchange Council
Washington, DC

Jim Cook, President
Joint Custody Association
Los Angeles, California

"Dear Abby"
(Abigail Van Buren)
Los Angeles, California

Honorable Dennis DeConcini
U.S. Senator, Arizona

Karen DeCrow
Former President of N.O.W.
Jamesville, New York

Elliott H. Diamond
Co-Founder, CRC
Reston, Virginia

Honorable David Durerberger
U.S. Senator, Minnesota

Meyer Elkin, Co-Founder
Association of Family & Conciliation Courts
Beverly Hills, California

Warren Farrell, Ph.D., Author,
Former Member of the Board of
Directors New York City N.O.W.
Leucadia, California

Doris Jones Freed, Esq., Co-Chair
New York State Bar Association Family Law
Section's Custody Committee
New York, New York

Larry Gaughan, Law Professor,
Professional Director, Family Mediation
of Greater Washington, DC

The material in this issue is copyrighted by CRC 1992. However, all material may be reproduced, if attribution is given as follows: "From 'SPEAK OUT FOR CHILDREN,' published by The Children's Rights Council."

Ronald T. Haskins, Ph.D. Associate
Director, Bush Institute for Child and
Family Policy, U of NC, Chapel Hill (1978-85)

Jenifer Isham, President
Mothers Without Custody (MW/C)
Crystal Lake, Illinois

Joan Berlin Kelly, Ph.D.
Executive Director
Northern California Mediation Center

Elisabeth Kubler-Ross, M.D.
Author, Psychiatrist
Head Waters, Virginia

Vicki Lansky, Author/Columnist
Deephaven, Minnesota

James Levine, The Fatherhood Project
The Bank Street College of Education
New York, New York

Dr. Carl H. Mau, Jr.
General Secretary (1974-85)
Lutheran World Federation
Geneva, Switzerland

John Money, Ph.D., Professor of
Medical Psychology and Pediatrics
Johns Hopkins University and Hospital
Baltimore, Maryland

Sue Klavans Simring
Co-Director Family Solutions
The Center of Divorce and Custody Consultation
Englewood, New Jersey

Debbie Stabenow
State Senate, Michigan

CRC's Next Conference May, 1993

The tentative date for CRC's Seventh National Conference is a weekend in May, 1993, at a hotel in the Washington, D.C. area.

The theme of the conference is "Beyond Rhetoric: Assuring a Child's Right Two Parents."

If you would like to make a presentation at the conference, please contact CRC as soon as possible, preferably by September 30, 1992.

Awards Time Again

At the conference, CRC will present the annual Chief Justice Warren E. Burger awards for "healers" among lawyers, judges and others, and its annual Media Awards and Active Parenting Awards.

A "healer" might be:

- * a judge who takes the lead in promoting joint custody (shared parenting),

- * a pre-court trial service which fosters mediation, or

- * an attorney with a professional track record of promoting a child's access to two parents and others who have bonded with the child.

For media awards, possible contenders are:

- * best and worst treatment of children and parents of divorce in the news media (including newspapers, magazines, TV and radio coverage),

- * best and worst media coverage of a county agency helping children of divorce with programs for teenage parents, or

- * best and worst TV series on abuse and false abuse charges.

For active parenting possible contenders are:

- * organizations and individuals that promote active, positive parenting

- * programs that help with family formation and family preservation;

Our New Name is Children's Rights Council

As mentioned in the Spring issue of "Speak Out for Children," The National Council for Children's Rights (CRC) is changing its name!

Our new name is the Children's Rights Council (CRC).

This decision was made in order to put the name "Children" first. We believe this will assist in organizational and fundraising efforts.

We have made as slight a change in the name as possible, because our organization has built up a lot of credibility with the name National Council for Children's Rights since it was formed nearly 7 years ago.

We will continue to use both names for the indefinite future.

Our stationary and other materials will state "Children's Rights Council, also known as the National Council for Children's Rights."

This name change was discussed by our board and chapter affiliates prior to the announcement of the change at our Sixth National Conference in March.

* programs that help parents do better parenting in the event of divorce.

Send "healer" awards nominations to:

Carla A. Goodwin, M.Ed.
Certified Ed. Psychologist
820 Washington Street
South Easton, MA 02375

Send media and parenting award nominations to CRC. We are seeking a volunteer to review applications for one or both of these categories. Contact CRC if you are interested.

CRC's Finances

CRC's budget for 1991-92 was \$81,000. CRC's fiscal year is July 1-June 30, so the \$81,000 reflects income from July 1, 1991 through June 30, 1992.

CRC's projected budget for 1992-93 is \$110,000.

CRC thanks everyone who contributes to, purchases materials from, or otherwise supports CRC.

CRC raises money from memberships, the sale of our resources (reports, audio/video cassettes), and individual contributions. CRC has not yet received any federal government funds.

CRC operates with almost-all volunteer help. The only salaried employee

in CRC is our office secretary, Lynn Nesbitt.

We wish to thank those federal government employees who designate CRC in the annual federal government charity drive. CRC is a member of the Children's Charities of America (CCA), a new charity organization run by the Independent Charities of America (ICA).

The Children's Rights Council is listed as Number 1513 in the national combined federal campaign being run in all federal offices, military bases, and post offices during October, 1992.

An annual audit of CRC's finances, which is required by ICA, is conducted by the accounting firm of Patton and Erskine in Vienna, Virginia. CRC also files an annual tax return with the federal government.

The Liberator

**The men's movement
monthly magazine.**

Domestic relations, court news,
gender issues and other topics.

\$20 per year

For information, write to:

**The Liberator
Men's Rights Association
Route 6
Forest Lake, MN
55025-8854**

Forum Change Recommended by Interstate Child Support Commission



Don Chavez

The Interstate Child Support Commission has recommended that the forum for enforcing child support obligations become the forum that is most convenient to the custodial parent or the child support collection agency.

At present, the state where the marriage was dissolved, and the custody, visitation and support order was entered, is the forum with jurisdiction over modification of support orders and related issues.

Don Chavez, a member of the Commission representing children and non-custodial parents, convinced the Commission not to recommend changing jurisdiction to the forum most convenient to the custodial parent or child support collection agency.

But then the Commission voted to adopt a Uniform Interstate Family Support Act (UIFSA) recommended by the National Conference of Commissioners on Uniform State Laws.

The mere fact that the parent with custody moves to another state would not be enough to remove jurisdiction to that state, under UIFSA, but any action by the noncustodial parent that was seen as condoning or encouraging the move would be interpreted as conferring jurisdiction on the new state to hear a modification order.

This could be, speculated Chavez, as simple as a non-custodial parent helping the child to pack a bag for the move to where the custodial parent is living. The state where the mother and child have moved to would then be the forum to hear any child support modification orders.

Could Hurt Access

Chavez says that "if the forum change is adopted, it will further frustrate reasonable efforts by the non-custodial parent to maintain contact with their children."

CRC President David L. Levy noted that the change could lead to more "forum shopping", the very thing that URESA (the Uniform Reciprocal Enforcement of Support Act) and the PKPA (the Parental Kidnapping Prevention Act) are designed to prevent.

The Commission announced this and other recommendations at a press conference on August 4 in Washington, and in testimony before a Congressional committee on August 11.

Some of its other recommendations are:

- * to expand the federal parent locator service to create a national locate network that links a statewide automated child support system all across the country

- * to require employers to record the hiring of new employees on W-4 forms so the IRS will know the name of every new employee, with such information to go into a central registry

- * to require everyone hired for a new job to indicate whether they have a financial child support obligation.

- * in cases where there is a child support obligation, the state would have to send a federally designed withholding of income form to the employer. The employer would send the money directly to the custodial parent, thus bypassing the court and the child support collection agency.

The Commission report will be considered by Congress, which would have to enact any recommendations before they become law. For copies of the Report, telephone (202) 254-8093.

Chavez, who had sought unsuccessfully to get the Commission to adopt a definition of support that included emotional as well as financial, filed a detailed minority report.

The Commission was formed in 1990 by Congress. Some of its 15 members were appointed by leaders of the House and Senate, and others, such as Chavez, of New Mexico, were appointed by HHS Secretary Louis Sullivan.

Fax Machine and Volunteers Needed

Thanks to Lanier Worldwide, Inc. and Martin Lopez of Stringer Business Systems, St. Paul, MN for donation of a photocopy machine for our office. We also need a fax machine and a typewriter for our office. Please donate one to us, or funds to buy one, and get a tax deduction for your contribution!

Also, if you are interested in volunteering your expertise, we need persons to:

- * audit CRC annually. We currently pay for the audit of our non-profit organization, but would appre-

ciate pro bono help.

- * coordinate and accept nominations for "Media Awards" and "Positive Parenting Awards",

- * initiate new CRC chapters in your state, city or county,

- * help with a membership drive to increase our membership to 50,000,

- * help obtain exhibitors for our conference,

- * coordinate a "Kids Rap" insert to our newsletter where young people can sound off on divorce and get answers from a "Dear Abby" type expert.

Volunteering is a way to meet interesting people while you help CRC.

Please write to CRC, and we will send you information.

Legal Help

If your case is on appeal and involves a broad legal principle (such as joint custody/shared parenting, parental kidnapping, or the fairness of some domestic relations law or procedure), CRC may file an amicus curiae (Friend of the Court) brief on behalf of your child, as we have done in other state appeal court cases.

If your case is at the trial level, be sure to use constitutional arguments to ensure that you preserve constitutional arguments on appeal.

For more information, please contact CRC.

Caution Urged on Domestic Violence



Gary Skoloff

In a column in the Family Advocate, Summer, 1991, Gary Skoloff, then chairman of the Family Law Section of the American Bar Association wrote the following column:

"Domestic violence is truly a serious social problem. Fortunately, lawmakers nationwide have become increasingly sensitive to the indelible damage that such violence causes its victims. Procedures exist to ensure that victims of domestic violence have maximum protection from abuse—procedures that permit immediate restraints to protect the health and safety of the children and the battered spouse.

"But have we gone too far?

"Typically when a complaint is made, a preliminary adjudication is

entered based on one party's ex parte application without notice to the spouse, until an order is entered to restrain the spouse from the marital abode. Although the spouse who is removed from the premises has the right to seek dissolution of the restraint at a subsequent proceeding, as a practical matter, chances of success are limited.

"After alleged domestic violence, litigants often are denied the right to return to their homes because most courts view an imposed separation as a way to reduce tensions in the household. In many cases, the parties are encouraged to enter consensual agreement, which continues the restraints without any actual findings of domestic violence.

"If the party who seeks the removal of a spouse is in divorce litigation or considering it, the domestic violence application—like the false al-

legation of child abuse—can be a powerful weapon to obtain leverage in the divorce battle. The removal of one party can create a tremendous hardship for the spouse who cannot afford to maintain two residences or be involved in lengthy litigation. Of course, when child custody is an issue, a parent's forced removal can all but destroy his or her chance of obtaining custody.

"Clearly, the danger of the litigants manipulation of the system is at its highest. To determine whether the purported complaint places a family member in danger, should not judges be encouraged, if not required, to hold immediate probable cause hearings in the presence of the defendant?

"Although the problem of domestic violence cannot be ignored, we must be guided by the notion that our courts are forums of justice and are not to be used as tools of retribution."

Library Subscriptions Encouraged

We would like your help to encourage more libraries to subscribe to "Speak Out for Children." When libraries subscribe, researchers, writers, and members of the general public have greater access to the materials reported in this newsletter, thus facilitating greater acceptance of the ideas CRC supporters believe in.

Libraries will often respond to requests by users, so it would help if you could photocopy the subscription form below (so as not to tear up the newsletter), then bring the form to your public, school, or university library. Alternatively, you may use the form to provide a gift of the newsletter to your favorite library. The library rate is \$22.00 a year.

LIBRARY SUBSCRIPTION FORM

Please enter a subscription to "Speak Out for Children", a quarterly newsletter that reports on research, court developments and news from around the country affecting children of divorce. The newsletter also reports on ways to encourage family formation and family preservation.

Name of Library _____

Address of Library _____

Payment from Library Donor

Name and address of donor (if applicable) _____

Payment by Check MC Visa AMEX

Credit Card No. _____ Exp. date _____

Library Subscriptions: \$22.00 a year. Foreign add \$4.00. Mail this form to the Children's Rights Council, 220 Eye Street N.E., Suite 230, Washington, D.C. 20002, telephone your order to (202) 547-6227, or fax your order to (202) 546-4CRC.

Increase in Father-Headed Households

Families headed by fathers have grown to 15 percent of single parent families in the U.S., according to a Census Bureau report released on May 12, 1992.

Although they remain a relatively small portion of the population, fami-

lies headed by fathers are growing rapidly, three times faster than those headed by mothers in the late 1980's, said the report.

The figures showed that more than 12.1 million new single parent households were formed during that period,

an increase of 14.8 percent, while the number of married-couple households remained constant.

The number of single fathers living with their children rose by 33.1 percent between 1985 and 1989, compared with a 10.8 percent increase for families headed by mothers.

Carl Haub, a demographer at the Population Reference Bureau said the increase stems from more fathers gaining custody of their children after a divorce and more shared custody arrangements, as well as some never-married fathers caring for their children and some older children returning home.

"In the past, it was virtually assumed that only the mother would take care of a child," Haub said. "That isn't assumed anymore."

The report also said that a growing number of such single parent families headed by men are near poverty or below poverty.

The report can be ordered from CRC for \$11.00 for non-CRC members, and \$8.00 for members. Membership in CRC is \$35.00 a year.

Child Support

Continued from page 1

Any parent who received assured benefits would lose AFDC benefits dollar for dollar, and single parents would be eligible for the benefits only if they identified the father.

On the collection side, the proposal would create a new office of the IRS that would manage a central registry of child support orders. The IRS also would oversee the automatic wage withholding of child support orders which under current law is already scheduled to go into effect on January 1, 1994.

For non-custodial parents who built up arrearages and who cannot find work, the proposal would require as an alternative to jail, mandatory public service jobs paying minimum wages that would be garnished to pay off child support obligations.

At the June 30 hearing on the proposal before the House Ways and Means Human Resources Subcommittee, which Downey heads, Jo Anne Barnhart, assistant secretary for Children and Families, U.S. Department of Health and Human Services (HHS) said she is "greatly concerned that the proposal completely repudiates the tenet of shared parental responsibility invoked by the Family Support Act, and in its place, espouses federal responsibility."

"The Family Support Act was passed (in 1988) to promote efforts to support families in meeting their responsibilities, rather than supplanting their responsibilities," she said.

Meaningful Data Needed

Barnhart pointed out that many provisions of the Family Support Act have either not yet gone into effect, or

have been in effect too short a time to obtain meaningful data as to how the provisions are working.

"A non-custodial parent's perception that he is reimbursing the federal government rather than improving the economic circumstances of his children may reduce voluntary compliance", said Barnhart.

"While this proposal aims to improve economic security for single parent families, it may well have the unintended consequence of creating more such families," said Barnhart. "In effect, we would be creating a new source of income for single mothers with no corresponding increase in responsibility."

Federalization of this program would "represent a radical and misguided departure from the long history of exclusive state jurisdiction over matters of domestic relations and family law," said Barnhart.

Dodd spoke at this hearing regarding his more limited Senate proposal for child support assurance for six states. Dodd's more limited proposal has actually been introduced as legislation, S. 2343. Even though S. 2343 does not provide for any access/visitation assurance, Dodd told Downey at the hearing that access/visitation should be considered in the legislation.

CRC supporters are urged to write to Sen. Dodd and the Senate Finance Committee, to urge that any legislation be "balanced" with access/visitation assurance.

You may write Sen. Christopher Dodd, Chairman, Subcommittee on Children, Drugs, Youth and Alcoholism, U.S. Senate, Washington, D.C. 20510, or phone the committee at 202-224-5630. The Finance Committee phone number is (202) 224-4515.

Directory of Organizations

Copies of the fourth edition of the Children's Rights Council's "International Parenting Directory" are now available. The Directory lists about 1,200 organizations in the U.S. and abroad involved in custody reform, mediation, parenting, and child support.

For the first time, the directory distinguishes between "verified" and "unverified" listings.

Organizations that have recently verified information about their groups have a "V" listed in front of their names. Organizations that did not verify their listings do not have a "V". Users of the directory are urged to contact verified listings first.

We hope this directory will assist in networking around the country.

Order your copy of the fourth edition in hardcopy or on IBM 5 1/4" floppy disc for \$12.00 for CRC members, and \$15.00 for non-members.

Inside CRC

About our Newest Advisor

As mentioned in the Spring, 1992 issue of "Speak Out for Children," Elizabeth Kubler-Ross is the newest advisor to the Children's Rights Council.

We did not have space in that issue to describe Kubler-Ross's views in more detail.

Ross, according to a Parade Magazine article on August 11, 1991, tries to help make people whole and healthy. "If we could raise one generation of children with unconditional love, there would be no Hitlers," she says.



Kubler-Ross

Ross was born in Switzerland. She is 65, divorced, and has two grown children. She has published 12 books and has received numerous honorary awards.

Assistance with Trademark

We appreciate Charles N. J. Ruggiero, Esquire, for his work in obtaining trademark protection for CRC. Charlie is a specialist in trademark, patent, copyright, and licensing law. He is a partner in the law firm of Grimes and Battersby, 3 Landmark Square, Stamford, CT 06901, Phone (203) 324-2828.

Donation of Computer

For donating a computer and computer consultant services to CRC, we thank Steve Chan of Uniprime Systems, Inc. Mr. Chan is knowledgeable in computer technology, and has also served as an expert witness in computer procurement cases on the federal level. Mr. Chan is at P.O. Box 3247, Baltimore, MD 21228, phone (410) 747-7510.



Bowen Travel handles air accommodations for CRC conferences.

We can also handle your everyday air travel needs.

Bowen Travel offers the lowest possible plane fare available.

Call them at 1-800-868-2129.

Announcements

Mothers Without Custody

Mothers Without Custody (MW/OC), a national support organization providing emotional support to mothers living apart from their children, will hold its 10th annual convention on October 9-1, 1992. The conference will be at the Sheraton Crystal City Hotel in Arlington, Virginia, about 10 minutes from National Airport. The cost of the conference is \$85. For registration information, contact Angie Mease at 301-649-4888.

The National Council on Family Relations

The National Council on Family Relations (NCFR) will hold its 54th annual conference at the Clarion Plaza Hotel in Orlando, Florida on Novem-

ber 7-10, 1992. The theme is "Families and Work." Speakers will include Arlie Hochschild, who wrote "The Second Shift" and Joseph Pleck, who wrote "Working Wives, Working Husbands." Conference cost: \$115 members, \$180 non-members. For information call (612) 781-9331. CRC is an endorsing organization of this conference.

Stepfamily Association

The Stepfamily Association of America (SAA) will hold its 11th conference in Oklahoma City, Oklahoma on October 1-4, 1992. The conference theme is "Stepfamilies: Beautiful Variations." For information, contact Paula Gullion, Oklahoma Stepfamilies, P.O. Box 23631, Oklahoma City, OK 73123, phone 405-794-9521.

**PARENT
VS.
PARENT**

How you and your
child can survive
the custody battle

STEPHEN P. HERMAN, M.D.

**This is
one of
many books
available
to you.
See more
books listed
on page 19**

Quayle and the Murphy Brown Affair



Vice-President Quayle

The following is adapted from a report by James C. Dobson, Ph.D., President, Focus on the Family, Colorado, Springs, Co. of which the Family Research Council, Washington, D.C., is a part:

From the criticism that Hollywood and TV critics gave Vice President Dan Quayle over his Murphy Brown comment, one might think that the American people shared in the skepticism.

Yet did they? When Quayle criticized the prime time TV character for having a baby, without a father, and calling it just another "lifestyle choice," Hollywood and media people made jokes about Quayle's attack.

CNN's Bernard Shaw, NBC's Andrea Mitchell and ABC's Peter Jennings each took swipes at the Vice President. The New York Daily News carried the headline, "QUAYLE TO MURPHY BROWN; YOU TRAMP!" In Philadelphia it was, "MURPHY HAS A BABY...QUAYLE HAS A COW." Matt Groening, the creator of Fox's "The Simpsons," said, "You don't have to make up jokes about Dan Quayle anymore. The real thing is too funny."

Casual observers may not know that Quayle's comment about Murphy Brown represented a single sentence in a seven-page speech that went largely unreported. Here is the excerpt from the speech.

...right now, the failure of our families is hurting America deeply. When families fall, society falls. The anarchy and lack of structure in our inner cities are testament to how quickly civilization falls apart when the family foundation cracks. Children need love and discipline. They need mothers and fathers. A welfare check is not a husband. The state is not a father. It is from parents that children come to understand values and themselves as men and women, mothers and fathers.

And for those concerned about children growing up in poverty, we should know this: marriage is probably the best anti-poverty program of all. Among families headed by married couples today, there is a poverty rate of 5.7 percent, but 33.4 percent of families headed by a single mother are in poverty today.

Nature abhors a vacuum. Where there are no mature, responsible men around to teach boys how to become good men, gangs serve in their place. In fact, gangs have become a surrogate family for much of a generation of inner-city boys.

I recently visited with some former gang members in Albuquerque, New Mexico. In a private meeting, they told me why they had joined gangs. These teenage boys said that gangs gave them a sense of security. They made them feel wanted, and useful. They got support from their friends. And, they said, 'It was like having a family.' Like family—unfortunately, that says it all.

The system perpetuates itself as these young men father children whom they have no intention of caring for, by women whose welfare checks support them. Teen-

age girls, mired in the same hopelessness, lack sufficient motive to say no to this trap.

Answers to our problems won't be easy. We can start by dismantling a welfare system that encourages dependency and subsidizes broken families. We can attach conditions—such as school attendance, or work—to welfare. We can limit the time a recipient gets benefits. We can stop penalizing marriage for welfare mothers. We can enforce child support payment.

Ultimately, however, marriage is a moral issue that requires cultural consensus, and the use of social sanctions. Bearing babies irresponsibly is, simply, wrong. Failure to support children one has fathered is wrong. We must be unequivocal about this.

It doesn't help matters when prime time TV has Murphy Brown—a character who supposedly epitomizes today's intelligent, highly paid, professional women—mocking the importance of a father, by bearing a child alone, and calling it just another 'lifestyle choice.'

I know it is not fashionable to talk about moral values, but we need to do it. Even though our cultural leaders in Hollywood, network TV, the national newspapers routinely jeer at this, I think that most of us in this room know that some things are good, and other things are wrong. Now it's time to make the discussion public.

It's time to talk again about family, hard work, integrity and personal responsibility. We cannot be embarrassed out of our belief that two parents, married to each other, are better in most cases for children than one. That honest work is better than hand-outs—or crime. That we are our brothers' keepers. That it's worth making an effort, even when rewards aren't immediate.

So I think the time has come to renew our public commitment to our Judeo-Christian values—in our churches and synagogues, our civic organizations and our schools. We are, as our children recite each morning, 'one nation under God.' That's a useful framework for acknowledging a duty and an authority higher than our own pleasures and personal ambitions.

Although Arsenio Hall, Johnny Carson and David Letterman made jokes about Quayle, the public came out solidly against them. The Rocky Mountain News recorded more than 14,000 calls for Quayle and only 5,000 against. A Houston Post call-in poll produced 10,387 for the V.P. and 1,856 against. More than 10,000 callers paid 50 cents each to express their opinions to TV station KCBS in Los Angeles, and 62 percent agreed that Murphy Brown set a bad example. Major radio stations in Atlanta, Milwaukee and other cities had similar results.

Editor's note: CRC does not take a position on who you should vote for in November. But we did generally agree with Quayle's comments. CRC's focus has always been "The Best Parent is Both Parents". We wrote to Quayle that if the U.S. focuses on parenting, we will not only have role models for children, but—in cases of family break-up—higher compliance with financial child support. Research shows that children need emotional as well as financial support.

Around the Country

Texas

Killings Produce Calls for Mediation

A divorced father shot and killed two lawyers and wounded two judges in a Fort Worth, Texas court house on July 5, 1992. George Lott, who voluntarily surrendered to police later in the same day, said he had been "victimized" by a "fixed" divorce ruling four years ago.

Lott, according to press reports, had been commuting as often as possible to Peoria, Illinois, where his former wife, who is also a lawyer, had moved with their son, Neal.

A few months ago, Lott said, he was charged with sexual abuse of the boy and was awaiting extradition to that state.

In an appearance at a TV station after the shootings, and before he turned himself in, Lott said he was sorry to have gone to such extremes to draw attention to his case, and asked authorities to find out who was really abusing his son.

CRC issued a press release stating that "We deplore these killings. We believe in personal responsibility, and wish that Mr. Lott had worked more within the system, regardless of his personal anguish.

"But we think America needs to do more than deplore these killings and explore to what extent public policy may be related.

"Mobility is a part of American life, but the practice of treating children like baggage and having one parent move them around the country, away from the other parent, is a practice that needs to be examined.

"Also, many mental health professionals and attorneys realize that false allegations of abuse are the 'nuclear bomb' of custody battles. Whether the charges against Mr. Lott are true or false (and we do not know), better handling of such charges is necessary. Interestingly, Texas has a model law (H.B. 2252) that sets standards and procedures for child abuse investigations, minimum qualifications and continuing education for child abuse investigators on the state and local level. That

law needs to be adopted nationwide.

"After some custody related killings in Fairfax County, Virginia, Chief Circuit Court Judge Richard Jamborsky instituted mediation as a way of cooling down the passions between divorcing parents. America needs to demilitarize divorce where children are concerned and provide for more mediation, shared parenting and access/visitation enforcement."

The call for mediation was echoed by Louise Raggio, former head of the American Bar Association's Family Law Section. Raggio, a Dallas family law attorney, said she was frequently threatened during her 40 year career.

"A person (in a custody battle) can get crazy," said Raggio. "Fewer 'trials by ambush', even if it means forced mediation, would help. Unless we have more mediation and do things less vindictively, we're just courting this violence," Raggio said in the Dallas Morning News, July 5, 1992. "People need to have a chance to sit down and try to work things out instead of going to court and trying slash-and-burn techniques. The damage is done to the children," Raggio said.

Florida

11 Year Old Seeks Divorce From Parents

A Florida judge has ruled that an 11-year-old boy can legally seek a "divorce" from his parents so he can be adopted by a foster family.

The boy wants to sever all legal ties to his mother so he can be adopted by a Lake County family with whom he has been living for nine months, according to an Associated Press report July 9, 1992.

The report said the boy's lawsuit claims the boy has been neglected and abused by his natural parents and has spent all but seven months of the past eight years in the custody of the state, his father or foster parents.

The mother denies any abuse has taken place, but states that the foster parents offer a more expensive lifestyle, including a swimming pool,

that the boy likes. The foster father is an attorney.

Orlando Circuit Judge Thomas S. Kirk, acting in his capacity as a juvenile judge, said the boy, identified as Gregory K., has the same constitutional right to protect his fundamental interests in court as an adult.

"To my knowledge, this is the first such ruling nationally," said Jerri Blair, the lawyer who filed the lawsuit on behalf of Gregory.

Gregory's parents are divorced and both live in St. Louis. His mother is fighting the lawsuit, but his natural father has agreed to the adoption.

The mother and the Florida Department of Health and Rehabilitative Services argued that a minor has no legal standing in court. The boy's lawsuit said the state agency, which has custodial control of him, is not adequately representing his interests.

Both Gregory and his mother, identified in court documents as Rachel K., testified at a closed hearing. Gregory told the judge he wanted to have no contact with his mother, not even weekly telephone conversations required under state regulations.

The boy told the judge "categorically, that he wanted to be adopted and that he did not trust his mother," said Lewis Pitts, a lawyer for the National Child Rights Alliance, which is helping the boy and the foster parents who want to adopt him.

The hearing dealt only with the issue of whether the boy, as a minor in the custody of the state, can legally bring a lawsuit. Closed hearings are normal in Florida in child dependency cases.

Karen Adams, national coordinator of the Alliance, based in Massachusetts, said the ruling could pave the way for children in other states.

"It opens the door a little bit wider for kids to have control of their lives, especially abused kids," she said, calling the ruling "the beginning of a trend that children are (found) competent to represent themselves in court."

(See *CRC's Reaction*, page 10)

Continued on page 10

Chapter News

Virginia

Year-Round Advocacy

Recognizing that successful advocacy groups work year round, three chapters of the Children's Rights Council in Virginia have begun a year round schedule of meetings to plan for the legislative session that opens in Richmond in January, 1993.

The meetings began in June, 1992, to discuss possible legislation the chapters could propose to legislators on the key committees that consider family law legislation. The groups also discuss how best to network with the media and with other groups interested in family formation, family preservation, and a child's right to two parents in the event of family dissolution.

The three Virginia groups represent the northern, middle, and southern parts of the state. They are:

- * Fathers United for Equal Rights and Women's Coalition in northern Virginia, headed by Paul Robinson

- * Children's Rights Council of Tidewater in southern Virginia near the North Carolina border, headed by Michael Ewing.

- * Fathers United for Children's



Paul Robinson

Rights in Richmond, the central part of the state, headed by Murray Steinberg.

Robinson's group has existed for many years. Ewing's and Steinberg's groups have organized within

the past six months.

Dick Woods, who was in Washington, D.C. for a meeting of federal access grant recipients at the time of the June meeting, drove to Richmond with CRC President David L. Levy for the June, 1992 meeting. Woods reported on the \$300,000 grant he received from the U.S. Department of Health and Human Services to improve access/visitation enforcement in Iowa (see the next issue of *Speak Out for Children*, Fall, 1992 for an update on the four grant winners in the "second wave" of access grants).

Texas

Advisory Panel Formed

Cecilia Burke, the head of Texas' Child Support Division, became the first head of a state child support office to attend a CRC conference. She, along with one of her assistants, Kit Saey, attended the CRC conference in March, 1992.

Following the conference, Burke adopted a recommendation of the Texas Children's Rights Coalition (TCRC) to establish a child support advisory panel to address the concerns of both noncustodial and custodial parents.

Eric Anderson, head of TCRC, is a custodial parent representative on the commission. Eric has custody of his 8 year old Brandon.

The commission is expected to advise the state child support office and the Texas attorney general, Dan Morales, whose office runs the state child support office.

"All states should have balanced commissions to advise on all aspects of family law, not just financial child support," said Anderson.

Alaska

Child Support Commission Formed

Alaska convenes a commission once every four years to review the state's child support guideline. Commission members are appointed by the



Jim Arnesen

chief justice of the Alaska Supreme Court. Jim Arnesen, of the Alaska Family Support Group, which is affiliated with CRC, has been appointed to the commission which is meeting in 1992.

Arnesen will seek to have the commission consider children of the second family as a factor in computing child support—right now, having a second family does not result in any adjustment of child support.

He will also seek greater credit than is now offered for access/visita-

tion. At present, parents who have a child more than 28 consecutive days (usually in the summer), have a 50 percent credit given for that month. Arnesen will seek a 100 percent abatement of support for that 28 day period. In response to the argument that the custodial parent has fixed expenses for that 28 day period, Arnesen will argue that the non-custodial parent has fixed expenses for the other eleven months of the year.

CRC's Reaction to Gregory K. case in Florida (see p. 9)

CRC President David L. Levy appeared on Fox TV Channel 5 in Washington, and appeared through satellite communications on TV stations in Hartford, CT and San Francisco, CA. Attorney Ron Henry appeared on "Battle Line", a syndicated radio show. Both Henry and Levy expressed concerns about the decision.

Levy's points were that:

- * Parents are responsible for their children, and if they are fit and able, there is no question but that they are the natural guardians of the child.

- * To help a dysfunctional family in Michigan's "Family's First" program, a social worker spends 90 days with a family, trying to make the family functional. Only if the family cannot become functional in 90 days, and the abuse is severe, is the child taken from the home. The reason Michigan invests in this program is that it is even more expensive for families to be broken up. Welfare costs increase for dysfunctional families, and children from dysfunctional families are more likely to become wards of the state in later years.

- * Has Florida attempted to make this family functional? The natural wish and need of a child is for two parents. If Florida officials had handled this case better, perhaps it would not have gotten to the present state.

- * The key question is whether the mother is fit. If she is fit, she should have custody. If she is not fit, then other arrangements are necessary for the child. The question should be fitness of the parents, not "divorce" by the child.

- * As children get older, they should have more say in their living arrangements. But the idea of a child "divorcing" his parents could lead to the unintended consequences of many such lawsuits by children who are upset over what their parents tell them they can and cannot do.

In the Courts

Stepparent Visitation

A stepparent may be granted visitation with his or her stepchild, if the stepparent has acted in a parental capacity during the marriage, the Nebraska Supreme Court has ruled. State law specifically allows an award of custody to a third party in divorce situations, the court noted. It would be inconsistent if a stepparent could be granted custody, but not visitation, the court said.

Hickenbottom v. Hickenbottom; Neb SupCt, No. 90-1132, 11/22/91.

Divorce Records Can't Be Sealed

Although both parties in a divorce proceeding wanted records of their divorce sealed, in order to protect their own interests and those of their adult children, the law of access to judicial records must apply to family courts as it does to other courts, a South Carolina court has held. The divorce involved James Miles, the South Carolina Secretary of State. Despite its general conclusion, the court ordered that statements about the children of the marriage be edited from the record. With half of marriages ending in divorce, and domestic relations courts involved in custody and property decisions, these courts are playing an important role in society, the court commented. In consequence, their records

should not be subject to special shielding, the court held.

Miles v. Miles (Ex parte Weston); SC FamCt Greenville Cty, No. 91-DR-23-881, 11/25/91.

Joint Custodian Must Pay Support

Even if a divorced father has joint legal custody and primary physical custody of a child, he may have to pay child support to the mother, the Wisconsin Court of Appeals, Third District, has ruled. The court reversed a lower court ruling that the father did not have to pay child support because his children spent more than 50 percent of the their time with him.

No state statute or case law holds that, where parents have joint legal custody, a court is barred from ordering the primary physical custodian to pay child support to the other parent, the appeals court said. In this situation the determination of whether the primary physical custodian must pay support is within the court's discretion. The decision should be based on the parents' finances, the child's best interest, the child's accustomed standard of living, and the periods of physical placement with each parent, the appeals court said.

Matz v. Matz; Wis CtApp 3d Dist, No. 91-0998; 12/27/91, released 1/29/92.

* Irene Johnson, president of the LeClaire Courts Resident Management Corporation, Chicago, Illinois,

* Josephine Velazquez, a children's advocate in Miami, Florida, and

* Bill Wilson, the pastor of the Metro Assembly of God in Brooklyn, New York.

The Commission will examine the current condition of urban families, evaluate how current government and private sector policies affect the urban family structure, and offer recommendations to government and the private sector for improving family well-being in urban areas.

The Commission will report to the President on or before December 31, 1992. For information, contact David Agillard, Executive Director, Governor's Office, P.O. Box 720, Jefferson City, MO 65102.

Significant Access Does Not Reduce Support

A father paying child support is not entitled to pay less financial child support than the state guidelines would provide because he spends a significant amount of time with his children pursuant to the custody order to which he and their mother agreed, the Pennsylvania Superior Court has decided. The court found that the amount of time the father spent with his children—every Wednesday night, every other weekday from Thursday evening thorough Sunday evening, and alternating vacation and holiday periods—is not “an unusual amount of time,” permitting a reduction from the guidelines, the Superior Court agreed.

Dalton v. Dalton; PA SuperCt, No. 00005 Pitt. 1991, 10/7/91.

The above are summarized from Family Law Reporter, and appear here by permission of the publisher, The Bureau of National Affairs, Inc.

Affinity Cards

Supporters of CRC can take out a VISA card, and every time you use it, CRC receives a small fee. The card is free for the first year.

To apply for your card, please call toll free at 1-800-847-7378, extension 2500. Tell them you want an National Council for Children's Rights VISA Card (we are in the process of changing our name to Children's Rights Council on the Visa card). Visa is a registered trademark.

This card is the result of an agreement CRC has reached with MBNA America of Newark, Delaware, the bank that issues the cards. Because the VISA card benefits an organization, in this case, CRC, it is called an “affinity card” (affinity between the VISA card and an organization).

We appreciate the supporters of CRC applying for and using this card.

Even if you have a spotty credit background, you may be eligible for this credit card. If you get turned down, call back and explain why your credit is less than perfect (e.g. custody or access battle).

National Commission on Urban Values Formed

President Bush has formed a National Commission on America's Urban Families. Bush announced his plan to create such a Commission in his State of the Union address in January, 1992.

The commission will be chaired by Governor John D. Ashcroft of Missouri. Co-chair is by Annette Straus, the former mayor of Dallas, Texas. Members are:

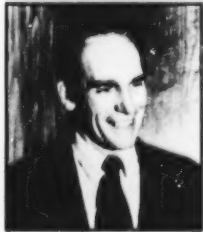
* David Blankenhorn, the president of the Institute for American Values, New York City,

* Victor Ash, the mayor of Knoxville, Tennessee,

* Alphonso Jackson, the director of the Housing Authority of Dallas, Texas,

Bills and Resolutions in Congress

Listed below are bills and resolutions pending in Congress. A bill requires action by a state or persons; a resolution expresses the wishes of Congress, but does not require action. H. or H.R. refers to the House of Representatives; S. refers to the Senate. Where there is one committee handling a bill, we have provided the committee's phone number; where there are several committees involved, we have provided the sponsor's phone number. You may call to check on the status of legislation, or to express your views. It is even more important to let your own Representative and Senators know your views.



Representative Jacobs

The House of Representatives approved H.R. 1241 (the Hyde bill) August 4, 1992 to provide federal criminal penalties for flight to avoid payment of child support arrearages. The bill was sponsored by Rep. Henry Hyde (R-IL).

The battle now shifts to the Senate, where a similar bill, S. 1002, introduced by Sen. Richard Shelby (D-AL) is under consideration.

In the House, H.R. 1241 was approved by voice vote under a "suspension of the rules" which limits debate and prohibits amendments to a bill. Two-thirds of the House must agree to rushing a bill through in this manner.

H.R. 1241 had previously been approved by both a subcommittee of the House Judiciary Committee and the full House Judiciary Committee.

Rep. Andy Jacobs (D-IN) introduced a parenting amendment sought by CRC that would provide that all aspects of a domestic relations order (custody, access/visitation as well as support) be enforced interstate.

Rep. Dan Burton (R-IN) joined Jacobs as a co-sponsor of the parenting amendment. The bill number of the parenting amendment is H.R. 5791. The proposed amendment, which House leaders knew was in the works, was not actually introduced until a few days after the vote was rushed on H.R. 1241.

The parenting (balancing) amendment has bipartisan support (Jacobs is a Democrat and Burton is a Republican). CRC hopes it will be passed in this session.

Three national organizations have joined CRC in favor of the balancing amend-

ment. They are: Mothers Without Custody (MWOC); the Stepfamily Association of America (SSA); and Grandparents United for Children's Rights. All three groups have chapters in various states.

The Senate version, S. 1002, was considered at a hearing on July 29 before the Juvenile Justice Subcommittee of the Senate Judiciary Committee, chaired by Sen. Herbert Kohl (D-WI).

In May, staff of the Senate Subcommittee met for more than an hour with CRC representatives to obtain our views. We urged that a wide range of views be heard on the bill, especially as the hearing on H.R. 1241 before the House subcommittee, headed by Charles Schumer (D-NY) was carefully orchestrated so as not to allow any persons or organizations who opposed the bill or who sought a balancing amendment to testify. Our suggestions have been adopted. Testifiers on July 29 included Bill Fetzner, head of Fathers for Equal Rights from Sen. Kohl's home state of Wisconsin, who urged the Senate to oppose the bill unless it contains a balancing amendment.

CRC's points in favor of a parenting amendment have been that:

1. The federal and state judiciary have expressed general concern about Congress adding new classes of criminals to federal prisons, especially as the U.S. already has more people in jail per population than any Western nation.

2. If Congress does pass this bill, it should not allow parents to pick which line from a court order they will follow, and thumb their nose at the rest. If a parent flees across a state line to avoid any part of the domestic relations order, it should be an offense. Especially as the Census Bureau has found that parents with joint custody pay 90.2% of their support, parents with access (visitation) pay 79.1% of their support and parents with neither joint custody nor visitation pay only 44.5% of their support.

This shows that if we enforce all parts of a court order, more financial child support will be paid.

To contact House members, write Representative —

U.S. House of Representatives,
Washington, D.C. 20515

For the Senate, write or call

Senator —
U.S. Senate

Washington, D.C. 20510.

The phone number for all members of Congress is (202) CA 4-3121.

Or contact your members of Congress at their district office near where you live.

H.R. 4983, would provide funding for Title XX of The Adolescent and Family Life Act to encourage delays in family formation

for teenagers. Funds would be provided to promote abstinence from sex for teenagers through education programs. For those teens who are already parents, parenting classes would be held for both mothers and fathers. Introduced by Cong. Rick Santorum (D-PA), referred to House Appropriations Committee, (202) 225-2771. This bill is in contrast to a proposal to provide funds for Title X, which would provide contraceptives to teenagers. CRC favors the preventive approach of H.S. 4983 as the most likely way to reduce teenage pregnancy. Wes Horne and Scott Carpenter of Congressman Santorum's staff, at (202) 225-2135, will be helpful in discussing H.R. 4983 for CRC supporters who wish to contact Congress members to help obtain funding for H.R. 4983.

S. 1411, Middle Income Tax Relief and Family Preservation Act of 1991. CRC takes a position regarding Title 3 of the Act, which would create a National Commission on Family Strengths. This Commission would, if established by Congress, examine both the noneconomic and economic impact of divorce on children and families, in order to enhance family stability. A spokeswoman for Sen. Christopher Dodd (D-CT), who introduced the bill, said Title 3 could be "split off" from the rest of the bill and passed separately, if a Republican senator would cosponsor Title 3 with Democrat Dodd.

However, instead of Title 3 being split off, Title 2 has been split off to become S. 2343 to provide demonstration grants in six states to have child support assurance. Under this plan, the federal government would assure the child support for families in six states and seek reimbursement from the non-custodial parent. See related story on page 1.

This could be the vehicle CRC has been seeking—to have Congress establish a commission to study the non-economic issues of divorce. We urge CRC supporters to write to Sen. Dodd and to the Senate Finance Committee, which is considering S. 1411, urging that Title 3 be passed separately.

Also urge, as CRC chapter coordinators have recommended, that the 21-person commission, to be appointed by the President and leaders of Congress, be required more strongly than Title 3 suggests to include representatives of non-custodial parent groups and groups advocating a child's right to two parents.

S. 2514, to amend the IRS code of 1986 to allow taxpayers a bad debt deduction for certain partially unpaid child support payments and to require that this unpaid por-

Continued on page 13

Continued from page 12

tion be considered additional income by the non-payer. This unpaid portion would then be subject to a surtax against the non-payer by IRS. Introduced by Sen. Dale Bumpers (D-AR), referred to the Senate Finance Committee, (202) 224-4515. Laurie Casey, a member of Vermonters for Strong Families and CRC, is seeking balance in this and other tax legislation. Laurie may be contacted at P.O. Box 81, Moriah Center, NY 12961, phone 518 942-3366.

H. Con. Res. 89, would express the wish of Congress that expert testimony concerning the nature and effect of domestic violence, including descriptions of the experiences of battered women, be admissible when offered in a state court by a defendant in a criminal case. Introduced by Rep. Connie Morella (R-MD), referred to House Judiciary Committee, (202) 225-3951.

H.R. 2055, to provide penalties for international parental kidnapping of children. Introduced by Rep. George Gekas (R-PA), and passed as an amendment to the House Crime Bill. A similar bill in the Senate, S. 1263, sponsored by Sen. Alan Dixon, passed as an amendment to the Senate Crime Bill. The two versions must now go to a House-Senate conference committee. The co-sponsors of the bill adopted CRC's view that interference with visitation should be specifically mentioned in this bill, not just interference with custody. Gekas's staffer Greg Jerome can be reached at (202) 225-4315 and Dixon's phone number is (202) 224-2854.

H.R. 579, to make it a crime for a parent to kidnap a child from one state to another in violation of a valid custody order. Introduced by Rep. Major Owens (D-NY). CRC has urged that any such bill also provide penalties for kidnapping by a custodial parent in violation of access/visitation orders. Referred to Judiciary Committee's Subcommittee on Crime, (202) 225-3951.

H.R. 3151, would require employers who withhold wages from absent parents owing child support payments to pay their amounts withheld to appropriate agencies within ten days after payment of such wages. Introduced by Rep. Olympia Snow (R-ME), and referred to Committee on Ways and Means, (202) 225-3625.

S. 4, to strengthen families and avoid placement in foster care, by providing intensive family services, family reunification services, and follow up services designed to strengthen families. Sponsored by Sen. Daniel Patrick Moynihan (D-NY), Sen. Lloyd Bentsen (D-TX) and others, and referred to Senate Finance Committee, (202) 224-4515.

Rep. Thomas Downey (D-NY) introduced a similar bill in the House, which was renumbered and is now H.R. 3603.

H.R. 3603, which deals with family preservation, foster care, child welfare and adoption services, was passed by the House on August 6, 1992. It encourages kinship care over foster care, and would try to improve data collection on children's needs.

"Child welfare area is characterized by a severe lack of national data. Little is known at the federal level about services provided, individual served, or the effectiveness of different types of services for children and families," according to the House Ways and Means Committee's Human Resources Subcommittee, headed by Cong. Tom Downey (D-NY), which originally passed the bill.

The bill now goes to the Senate. CRC supports kinship care and better data collection.

S. 701, to increase the personal exemption for dependent children under age 18 to \$3,500. Introduced by Sen. Coats (R-IN). Referred to Finance Committee, (202) 224-4515; similar to H.R. 1277, introduced by Rep. Frank Wolf, assigned to Ways and Committee, (202) 225-6649. CRC has advocated an amendment to the bill so that in cases of divorce, the personal exemption for a dependent child be split 50/50 between the parents, unless a judge rules to the contrary.

H.R. 5316, to amend Title IV of the Social Security Act to increase state responsibility in helping troubled families, children's welfare, and foster care. Introduced by Rep. Nancy Johnson (D-CT), the bill is similar to H.R. 3603, which was recently passed by House Ways and Means Committee, (see above), but emphasizes better data collection than 3603 requires for how well state programs are working.

Catalog and Flyer

CRC's 1992 Catalog of Resources is still available. The Catalog lists 75 items, including books, reports, audio/video cassettes and gifts for children.

This is "one stop shopping" for materials that can help families, attorneys, policymakers, judges, mental health professionals and others concerned with healthy families, especially after separation or divorce.

The books in the catalog can make excellent holiday presents, e.g. "Helping Your Child Succeed After Divorce," "Mom's House, Dad's House," "How to Win as a Stepfamily," and many other titles.

If you are a CRC member, you may order a free copy of the catalog. The cost of the catalog for non-members is \$1.00.

If you would like bulk copies of the Catalog (or copies of flyers describing CRC) for distribution at court houses, mediation centers, pre-court trial service offices, or other distribution points, write to CRC. Let us know how many you want and where you would like to distribute them.

One enterprising CRC activist, Stuart Miller of Virginia, has distributed hundreds of flyers at clerks offices in courthouses and at supermarket check-out counters, courtesy of the store managers.

More Chapters Sought

National, state and local organizations whose goals are common with CRC are welcome to affiliate with CRC. These groups include custody reform advocates, mediators, pre-court trial services, and other parenting groups.

CRC also encourages formation of state chapters with goals closely aligned to CRC. Coordinators of our state chapters maintain contact by mail exchange and cross-country telephone conference calls between the chapters and CRC national. In this way, chapters can benefit from each other and do not have to constantly "re-invent the wheel".

If you live in a state where there is a CRC chapter, we urge you to join the chapter. In this way, you will be networking with a chapter and national CRC to reform custody laws and atti-

tudes around the country. By becoming a member of the state or local chapter, you also become a member of National CRC.

Existing chapters are listed on page 17. If you would like to learn if a chapter is forming in your state, contact CRC.

If you are a member of CRC, and you would like to form a chapter in your own state or community, write to Eric Anderson of Texas, CRC chapter coordinator, for our affiliation booklet. This 37-page booklet explains everything you want to know about affiliation.

The names Children's Rights Council and National Council for Children's Rights are both protected by federal trademark law.

See also page 17

More News from Our Sixth National Conference March 19-22, 1992

Judges, Attorneys, and Mediators Panel



Judge Kaplan

Judges, attorneys and mediators discussed "How to Make Custody Determinations Less Adversarial—Perspectives from the Courtroom." Participants and some

points they made were:

Larry Gaughan, lawyer, a founder of the Academy of Family Mediators, and former law professor, said in his experience about 80 percent of cases can be resolved by mediation. He said some judges question this figure, but that is because judges tend to see the "hard cases" where a parent or parents resist mediation. He said custody is a terrible, adversarial word, suggesting control over children.

He said the focus of mediation should not be on custodial terminology, but on such questions as where a child goes to school, the sharing of medical information, and defining the role and autonomy of each home. He criticized lawyers who write nasty letters to each other, because such tactics make cooperation between parents more difficult. He said lawyers can make good mediators because they know how the courts work in real cases.

Judge Rosemarie Annunziata, Fairfax, Virginia, described the plan instituted in Fairfax County in 1989 to require court ordered mediation for custody disputes. The only exceptions to mediation are cases involving serious allegations of abuse, a history of alcoholism, or serious threat of parental kidnapping.

During mediation, parents watch a film that focuses on the stresses that children will undergo if their parents continue with anger or adversarial battling during the divorce. If mediation is not successful within 100 days in producing a voluntary agreement between the parents, a custody trial will be held within the following six weeks.

(CRC gave a "Healer" award in 1990 to Richard Jamborsky, Chief Judge, Circuit Court, Fairfax, County, for instituting mediation after several acts of violence, including the murder of one parent by another, occurred during sole custody adversarial battling in Fairfax County.)

Judge Lawrence Kaplan of Pittsburgh (Allegheny County, PA) said that although family court judges in some jurisdictions serve for short terms, judges in Allegheny County Family Court have the option of serving for an indefinite period. This, coupled with cooperation and consistency among the judges, improves predictability of decisions and cuts down on the likelihood of "forum shopping" within the court system.

Kaplan said visitation is called partial custody in Pennsylvania, and mediation is used as often as possible.

Judge David Gray Ross of Prince George's County Circuit Court, Maryland, said he wears two hats—as judge, and as court administrator. As administrator, he ensures that requests for emergency ex-parte orders are investigated carefully, including consultation with the other parent where possible, to determine if an emergency really exists. If it does not, the case will be handled on the normal calendar, not as an emergency.

Cutting down on ex-parte treatment of cases that are not really emergencies helps to reduce the adversarial nature of court proceedings, and moves the calendar along more quickly. As administrator and judge, he promotes mediation and joint custody wherever possible.

As a judge, he ruled in a 1991 case that a parent who works overtime in addition to the 40 hour a week job in order to meet his child support obligation should not have to pay child sup-

port from the overtime job. He hoped the case would be appealed, so as to settle the question of what the word "income" in Maryland child support law consists of, but it was not appealed.

Ross and Kaplan are members of a Judicial Advisory Panel established by Dr. Louis Sullivan, Secretary of the U.S. Department of Health and Human Services (HHS) to advise him on judicial matters. David Levy thanked Ross and Kaplan for contributing to a statement issued by the Judicial Advisory Panel that was reported in HHS's Child Support Report that referred to the importance of parenting as well as financial support.

Michael L. Oddenino, general counsel of CRC, moderated the panel discussion.

Bauserman and Keller



John Bauserman

John Bauserman and Anna Keller, vice-presidents of CRC, spoke about "New Data and Findings Regarding Children of Divorce".

Bauserman, whose speciality is joint custody (shared parenting) research, often finds hard to locate joint custody research. Bauserman said that:

* Research clearly shows that joint custody is preferable for children over sole custody. Studies show that children with joint custody (shared parenting) do as well or better as children with sole custody. See CRC Report R103A;

* Most of this research is not available in book or journal form, but is available as unpublished doctoral dissertations. Such dissertations are often never published, and rarely reach legislators, judges, lawyers, and mental health professionals in a timely fashion;

* Dissertations are available through University Microfilms, Inc. (UMI). Most dissertations are available through UMI in hard copy for \$40 to \$60 apiece, and also on CD Rom;

Continued on page 15

* Topics available include single parent fathers, joint custody, non-custodial mothers, and support groups in schools;

* You can access these dissertations by computer, and you can readily make yourself a file of the dissertations on any topic that might interest you;

* University libraries or other large libraries provide UMI materials and other research findings;

Joint custody research from published sources and dissertations, are available in CRC Report R103A—Evaluation of Sole and Joint Custody Studies. Send \$13.80 plus \$2.00 for shipping.

Keller talked about the evaluation that she and co-author Dan Gold of CRC did of research by Frank Furstenberg (see Summer and Fall, 1991 and Winter 1991/92 issues of "Speak Out for Children").

She said at least one other commentator, Dr. Joyce Brothers, has noted the limitations of Furstenberg's research.

Brothers noted that Furstenberg's findings, that lack of contact by fathers with their children had little impact on children, was only applicable to children who had very little contact with their fathers.

Indeed, Keller said, the fathers in Furstenberg's "high contact" sample had only up to 21 overnights a year with their children, which is less than normal visitation, and far less than fathers who have expansive contact with their children.

Jane Brody of the New York Times, and researchers Judith Wallerstein and Judith Seltzer have referenced Furstenberg's findings without commenting on the limitations posed by that research, Keller noted.

There were other limitations to Furstenberg's research, said Keller, which should serve as a caution to policymakers who adopt Furstenberg's urging that his findings be considered in formulating public policy.

Most other researchers have found a positive correlation between father contact and healthy child development, Keller said.

Dr. Lee Coleman



Dr. Coleman

Dr. Lee Coleman spoke on "How Psychiatry is Promoting Child Abuse Instead of Child Protection in Custody Battles." Coleman, M.D., Child Psychiatrist, Berkeley, California, and author (*Reign of Error: Psychiatry, Authority and Law*/Beacon Press, 1984), said he is concerned about real abuse, and the victimization that occurs from mishandling of child sexual abuse allegations.

He said that during his 20 years of viewing misuse of psychiatry in the courtroom, the worse abuse he has seen is the violation of due process in the area of child sexual abuse allegations. He gave examples, including a February, 1992 study from an unbiased source—not prosecutors, accusers or accused persons—but a San Diego County Grand Jury that was asked to study the San Diego Court system. In its report, entitled "Families in Crises Report No. 2" the grand jury found that "in too many cases child protection investigators cannot distinguish real abuse from fabrications, abuse from neglect or neglect from poverty."

The grand jury described a system "out of control with few checks and little balance" and criticized closed courtrooms, confidential files, and lack of cooperation in the grand jury's investigation from the county attorneys in the department of family services who are supposed to serve children and the community.

The grand jury found that a suspicion of molestation often sustains a finding of molestation; and the burden of proof is on the alleged perpetrator to prove his innocence. Coleman said his investigations lead him to believe that such abuses are occurring all across the country.

Coleman said that mental health professionals such as Dr. Roland Summit of California have written that clinical adult advocates must be available for the child in the investigative process and in court. This is fine when

sexual abuse has occurred, said Coleman, but not when it has not.

An investigator should not think of how to help the child any more than they should think of helping the person who is accused. They should be there to determine the truth. Determining the truth will help the child, and if abuse has occurred, result in actions against the perpetrator. If abuse has not occurred, it will help the child to establish that, also.

Workshops and their topics included:

* How to Handle Child Abuse Allegations. Richard Austin, Ph.D., author and court-appointed forensic psychologist, Houston, TX, and Tom Prihoda, Ph.D., assistant professor, Health Science Center, University of Texas. They were joined by Gerald Solomon, Esq., New Carrollton, MD, in a combined workshop.

* Development in Joint Custody legislation. James A. Cook, President, Joint Custody Association, Los Angeles, CA.

* What Non-Custodial Mothers and Non-Custodial Fathers Have in Common. Angie Mease, immediate national past president, Mothers Without Custody (MW/OC) and Roberta Hantman and Sharon Swab, officers of the Maryland chapter of MW/OC.

* Kids and Custody: Positive Approaches for Positive Results. Michael L. Oddenino, General Counsel, CRC, Arcadia, CA.

* How to Work with the Media and the Legislature. Heads of CRC state chapters: Dick Woods, IA; Schley Cox (substituting for Tracy Cox), KY; Erich Sturn, NJ; Fred Tubbs, VT; Eric Anderson, TX, moderator.

* How to Obtain Financial Child Support Data through Filing of Freedom of Information Act (FOIA) requests. John Siegmund, Esq., Washington, D.C., and David Burgess, M.S.P.H., Patient Health Education Coordinator for VA Medical Center, Temple, TX.



Carla Goodwin

* Let's Discuss Your Children—Are They Emotionally Healthy After Your Divorce and Separation? Carla A. Goodwin, M.Ed., Guardian Ad Litem, Psychologist, Consultant to Plymouth, Suffolk, and Bristol County Court Systems, MA.

* How to Work with the Courts, Commissions and other Public Bodies. Heads of CRC state chapters: Sonny Burmeister,

Continued on page 16

Hague Convention Against Parental Abduction



Hilary Foretich

CRC is working with the U.S. Department of State to see if new ways can be found to make the Hague Convention on International Child Abduction work better.

The convention was drafted in the early 1980's and ratified by the U.S. in 1986. It is designed to ensure that children are not removed from their countries of "habitual residence" and taken to other countries in violation of court orders.

Signatories of the Convention have pledged to cooperate in locating such children and returning them to their countries of residence.

The case of international child abduction that attracted the most publicity in recent years, the Morgan-

Foretich case, involved New Zealand, which was not a Hague Convention signatory at the time that Hilary Foretich was taken by her grandparents to New Zealand. Since Hilary Foretich was taken to New Zealand, New Zealand has signed the Hague Convention. The Convention, however, is not retroactive; thus the Convention apparently can not be cited as grounds for seeking the return of Hilary to the U.S.

CRC is seeking to ensure that the Convention is applied in a balanced way, so that children taken to another country in violation of either custody or access/visitation orders will be returned to the country of habitual residence.

CRC representatives met with State Department officials earlier this year to discuss problems with the Convention. The hope is that the booklet the State Department sends to those who inquire about the Convention can be amended to make it clear that the Convention can be useful to non-custodial parents when children are abducted from their country of habitual residence.

The State Department is concerned that its limited resources are being strained by the number of cases it has to deal with. CRC is working with the Department to see if new procedures (e.g. warnings to parents applying for passports for minor children) can prevent international parental kidnappings from occurring in the first place.

Later this year, the State Department will be reviewing with representatives of other signatory countries the practical problems that have arisen. One difficulty is that local courts in some signatory countries have, despite the provisions of the convention, made decisions that in effect modify U.S. court orders.

Signatory countries, in addition to the U.S., are Australia, Canada, France, Hungary, Luxembourg, Portugal, Spain, Switzerland, United Kingdom, Austria, Norway, Sweden, Belize, Netherlands, Germany, Argentina, Denmark, New Zealand, Mexico, Ireland, Israel, Yugoslavia, and Ecuador.

For The Sake of the Children



Kris Kline

CRC held a press conference in Washington, D.C. on January 15, 1992 to promote the concept of parental cooperation after divorce. This concept is strongly urged in the book entitled "For the Sake of the Children".

The book, authored by Kris Kline and Dr. Stephen Pew, gives practical tips on how to cooperate after divorce for the sake of the children.

The press conference, sponsored by Sen. Dennis DeConcini, a CRC advisor, was held in the Dirksen Senate Office Building across the street from the U.S. Capitol.

Speakers at the press conference were:

- * Kris Kline, Bradenton, Florida;
- * N. David Korones, Clearwater, Florida, chairman of the Family Law Section of the Florida Bar;

- * Howard Davidson, chairman of the American Bar Association's Center on Children and the Law, Washington, D.C., who filled in at the last moment for Gary Skoloff, former chairman of the ABA's Family Law Committee, who could not attend;

- * Ron Henry of the law firm of Baker and Botts, Washington, D.C.

The press conference was moderated by CRC President David L. Levy.

WTOP-TV, Channel 9, the largest local TV station in Washington, D.C., covered the press conference, and showed portions of the press conference on TV three times that day.

Workshops

Continued from page 15

GA; David Dinn, IN; Harvey Walden, MD; Paul Robinson, VA; Ron Henry, Esquire, Washington, D.C., moderator.

- * Enabling Children to Win After Divorce. Lita Linzer Schwartz, Ph.D., co-author of *The Dynamics of Divorce*, professor of educational psychology, Pennsylvania State University, Ogantz, PA.

- * How the Aring Institute Programs for Parents and Children Can be a Model for Other Communities. Sally Brush, M.Ed., Director, The Aring Institute of Beech Acres, Cincinnati, OH.

- * I Think Divorce Stinks. Marcia Lebowitz, Children's Divorce Center, CT (substituting for Ethel Dunn of Grandparents United for Children's Rights, who could not attend because of a family emergency).

Child Support Analysis

For presenting your own case in court [Strictly confidential] or for presenting to your legislature. Includes proposals for equitable results in a variety of situations. Laser quality data and graphs.

Sharp Data

When you want to make a **POINT!**

Fred Tubbs (802) 454-8462

RFD 1 box 284A

East Montpelier VT 05651

Serving all 50 states.

CRC's Affiliates and Chapters

CRC chapters have been organized in six new states. The East and West coasts are represented for the first time, with chapters in New York and California. In New England, a Massachusetts chapter has been formed. In the Midwest, there are new chapters in Kansas, Illinois, and Michigan. On the East Coast, chapters have been formed in Delaware and Virginia.

The new state coordinators and their states are:

Kim Boedecker-Frey, New York; Heather Rowlison, Michigan; James Morning, Delaware; Ann Danner, Illinois; Valerie Ozsú, California; Roger Doeren, Kansas; George Kelly, Massachusetts.

All but Ozsú attended CRC's Sixth National Conference in March.

Kelly is a longtime fathers and children's activist in Massachusetts and is on the Board of Directors of Parents Without Partners International; Danner works for the Illinois

Department of Children and Family Services; Boedecker-Frey is a psychotherapist in private practice who was home with his daughter until she was four years old.

Doeren is active in the Association of Family and Conciliation Courts; Rowlison is a stepmother who was involved in her husband's custody case; Ozsú is a certified nurse widow, mother and stepmother; Morning, retired from the Air Force, was appointed by Gov. Mike Castle to the Delaware Family Law Commission.

National Affiliate Organization

Mothers Without Custody (MW/OC)
P.O. Box 27418
Houston, TX 77227-7418
phone (713) 840-1626,
Jennifer Isham, president

CRC Chapters

Alabama
Children's Rights Council of Alabama
501 Crosscreek Trail
Pelham, AL 35124
(205) 664-4865
Charles Crawford, chairman

Alaska
Alaska Dads and Moms
2225 Arctic Boulevard, Ste 303
Anchorage, Alaska 99503
(907) 274-7358
Gary Maxwell, state coordinator

Alaska Family Support Group
P.O. Box 52115
Big Lake, AK 99652-1151
(907) 892-7760
Steve Strube, president

Second Wives and Children
P.O. Box 875731
Wasilla, AK 99687-5731
(907) 376-1445
Tracy Driskill, president

Delaware
Children's Rights Council of Delaware
P.O. Box 182
Bethel, DE 19931
(302) 875-4935
James Morning, president

California
Children's Rights Council of California
P.O. Box 3195
Redwood City, CA 94064-3195
(415) 365-4727
Valerie Ozsú, coordinator

Florida
Children's Rights Council of Florida
113 W. Tara Lakes Drive
Boynton Beach, Florida 33436
(407) 395-5512
Piotr Blass, coordinator

Georgia
Georgia Council for Children's Rights (GCCR)
P.O. Box 70486
Marietta, GA 30007-0486
(404) 591-7772
Sonny Burmeister, coordinator

Indiana
Indiana Council for Children's Rights
2625 N. Meridian, Ste 202
Indianapolis, IN 46208
(317) 925-5433
David Dinn, coordinator

Illinois
Children's Rights Council of Illinois
P.O. Box 786
Pekin, IL 61555-0786
(309) 697-3235
Ann Danner, coordinator

Iowa
Fathers for Equal Rights, Inc.
3623 Douglas Avenue
Des Moines, IA 50310
(515) 277-8789
Dick Woods, coordinator

Professionals Serving Custodial and Non-Custodial Parents
(515) 264-9511
Eric Borseth, J.D.

Kansas
Children's Rights Council of Kansas
5516 Mission Road
Fairway, KS 66205-2721
(913) 831-0190
Roger Doeren, coordinator

Kentucky
Children's Rights Council of Kentucky
Pumpkin Ridge Farm
Pellville, KY 42364
(502) 233-4614
Tracy Cox, coordinator

Maryland
Children's Rights Council of Maryland
417 Pershing Drive
Silver Spring, MD 20910
(301) 588-0262
Harvey Walden, coordinator

Massachusetts
Concerned Fathers of Massachusetts, Inc.
P.O. Box 2768
Springfield, MA 01101-2768
(413) 736-7432
George Kelly, president

Michigan
Children's Rights Council of Michigan
P.O. Box 416
Lawton, MI 49065-0416
(616) 247-5868
Heather Rowlison, coordinator

New Jersey
New Jersey Council for Children's Rights (NJCCR)
P.O. Box 615
Wayne, NJ 07470-0615
(201) 694-9323
Erich Sturn, president

New York
Children's Rights Council of New York
P.O. Box 313, RD 3
Endicott, NY 13760
(607) 785-9338
Kim Boedecker-Frey, coordinator

Ohio
Coalition of Parental Rights Associations (CAPRA)
227 S. Roanoke Avenue
Youngstown, OH 44120
(216) 799-9787
Andy Cvercko, president

Pennsylvania
P.E.A.C.E. (Parents Equality and Children's Equality)
20 1/2 S. Bradford St.
Allentown, PA 18103
(215) 435-3008
Gary Onuschak, coordinator

Texas
Texas Children's Rights Coalition (TCRC)
P.O. Box 12961
Capitol Station
Austin, Texas 78711
(512) 836-6621
Eric Anderson, coordinator and nationwide chapter coordinator

Vermont
Vermonters for Strong Families
RR 1, Box 284A
E. Montpelier, VT 05651
(802) 454-8462
Fred Tubbs, president

Virginia
Fathers United for Equal Rights and Women's Coalition
P.O. Box 1323
Arlington, VA 22210-1323
(703) 451-8580
Paul Robinson, president

Children's Rights Council of Tidewater
3029 Yakima Road
Chesapeake, VA 23325
(804) 543-5993
Michael Ewing, president

Fathers United for Children's Rights
c/o Abbey Interiors
8935 Patterson Avenue
Richmond, VA 23229
(804) 740-3555
Murray Steinberg, president

Canada
Children's Rights Council of Canada
P.O. Box 77007
Ottawa South, RPO
Ottawa, Ontario K1S-5N2,
Canada
613-746-6729
Robin Glazier, coordinator

Thank You, Contributors!

We wish to thank those who have joined, renewed their membership, contributed to CRC, or ordered materials from CRC from October, 1991 through June, 1992. * Denotes life member of CRC (financial and/or service contributions totaling \$500 or more).

Mendel Abrams
Nancy Adams
William Aldrich
Jo Ann Alfred
Edward Allison
Dominick Amari
Louis Anderson
Raymond Auger
David Ault
Richard Austin
Asa Baber
Betsy Backe
Travis Ballard
Joel Banks
Eileen Barker
Renata Bauman
Steve Bauman
Francis Baumli
Hugh Beattie
Connie Beaupre
Lawrence Bechtel
Steve Becker
Nick Belasco
William Bender
Birch Berman
Lili Bermant
Barbara Bernstein
Don Bieniewicz
James Bigwood
Charlene Bjelke
Rebecca Black
Tim and Cheryl Black
Richard Blair
Melinda Blau
Leonard Blayer
Robert Blumenthal
Steven Bluth
Kim Boedecker-Frey
Linda Botts
Wally Bowen
Wade Bowie
Dennis Boytim
Julianna Brassell
Sheila Brayman-Borgese
Charles Brown
Howard Brown
Sally Brush
Diane Bryner
Brice Buehler
Cecelia Burke
Sonny Burmeister
Aza Butler
Elizabeth Butler
Anton Canuso
Robert Caron
Peter Carpenter
Dan Carrigan
Callan Carter
Laurie Casey
Grace Cavanaugh
Karen Chandler
Larry Chandler
Richard Chauvin
Eugene Cherry
Ferrell Christensen
John Cimino
Kathy Clark
James Cloyes
* Stuart Cochran
Roger Colvin
Kim Coman
John Conery
Deidre Conway Rand
John and Marilyn Cook
Phil Cook
Sue Corby
M. Susan Cox

Tracy and Schley Cox
Barry Craig
Patricia Crittendon
Jim Curran
Roland Cyr
C. Dado
Ann Danner
Dean Davidson
Catherine Davis
John and Monica Davis
Teresa Davis
Barbara DeMarea
Deborah DeYoung
Michael Densmore
Margaret DiMaggio
Colleen DiMatteo
* Elliott H. Diamond
Barbara Dickey
Mark Dickinson
David Dinn
Wiley Dobbs
Roger Doeren
Scott Donaldson
George Doppler
Jon Dowie
Richard Doyle
Diana Drake
Michael Driscoll
Charles Duckworth
Annette Dunn
Ethel Dunn
Kathleen Durand
Kevin Eckert
Bruce Eden
Andrew Eichenholz
Bob and Lindsey Ein
Elizabeth Einstein
Robert Eisenbart
Joan Elconin Jackson
Alred Ellis
Alice Esbenschade
Michael Ewing
Tom Farley
Peter Farris
Nancy Fauntleroy
Robert Fay
Gretchen Fee
James Felder
Carl Fink
John Finn
Frank Fioretti
Russell Fish
Adam Fivenson
Mitchell Fivenson
Patrick Flachs
Jo Fogel
Susan Marie Fonzi
Donald Forslund
Chris Fox
Doris Jonas Freed
Michael Friedman
Bonnie Fuller
Sophie Gallo
Oscar Garcia
Richard Gardner
Larry Gaughan
Jim Gauthier
Roger Gay
Robert Gern
David Gibson
Kathryn Gibson
Elenora Giddings Ivory
Paul Gigler
Joanne Gilden
John Gill
Bruce Gillman
William Glassmire

Joy Glenn-Sessions
* Mark Goodson
Carla Goodwin
Donald Gordon
Oliver Grace
Robert Gray
Bob Green
Evelyn Green
Steven Greenspan
Steven Greenstein
Thomas Griggs
Michael Grim
Ina Morgan Grim
Edward Gunderson
Sylvia Hackett
Fred Haehnel
Michael Haggerty
Barbara Hand
Benna Harris
Robert Harrison
Raymond Hart
Sue Hathorn
Gwynneth Cook Hawes
Ronald Heilmann
Nancy Heller
Bonnie Hemmerlein
William Hess
Raymond Hewitt
Linda Heyes
Gerrie Hight
Howard Hill
Sally Hinshaw
Wolfgang Hirczy
Michael Hirschensohn
Ian Hoffman
Rich Hoffman
Rose Marie Hoffman
Phillip Holman
Phil Holt
Tazewell Hubard
Charles Hubbard
I. Hudson
Tom Huffman
Mary Hughes
Duane Humphrey
Kathryn Humphrey
Susan Hurley
Maureen Hurney
R. Huzler
Thomas Hyre
Fred Irani
Jack Isaacson
Philip Isenberg
Jennifer Isam
JoAnne Jackson
Leroy Jackson
Mickey James
Michael Jasinski
Lance Johnson
Doris Julian
Stephen Kalifeh
Christina Kallas
Andrew Kane
Barbara Kaplan
Lawrence Kaplan
Donna Kapschull
Robert Karls
Arthur Katz
Robert Katz
Linda Kelley
George Kelly
Susan Kelly
Paul Kennedy
Elizabeth Rusthove Kerns
William Kimbrough
Paul Kirchmeier
Kirk Kitchin

George Klaus
Kris Kline
John Kost
Glenn Kramer
Luther Kramer
Gary Kretchmer
Robert Krollman
Robert Kruse
Walter Kuckes
R. Theodor Kusiolek
Tony Lamey
Donald Landry
Kristen Larson
David Lauchaire
Alan Lebow
Richard Leder
Jeffery Leving
Cynthia Lewis
Dennis Lewis
Israel Lichtenstein
William Lidinsky
S. Hassing and Lauri Link
Walter Lipow
Robert Lipsky
Janice Longe
John Lord
C. Renet Lovo,n-Bender
Frank Lucente
David MacDonald
Robert MacDonald
Donald MacMaster
Roger Madden
John Mahlmann
Elaine Majewski
Bruce Malinski
Betti Maloney
Ann Marini
Carol Marks
John Marr
Richard Martin
Steven Martin
Bill Masters
Denis Matzner
Gary Maxwell
Marilyn McKnight
* George McCasland
Linda McCovehey
Daniel McDonald
Rene McDonald
James McLaughlin
Marie McManmon
Bonnie McMullin
Barbara McMullen
John McQueeney
George McVey
Evelyn Metaxas
Eva Brown Metzger
Donald Middleman
Connie Miller
Mary Miller
Susan Miller
Joseph Milling
Joan Miracle
Paul Mitchell
Wendy Mitchell
Paul Mano
Marianne Moore
James Moran
James Morning
Charles Moulton
Jim Moyer
Ellen Muller
Sandy Musser
Beverly Mussetter
Eric Nasar
Paul Nelson
Michael Nevarez

Meridel Newman
Roger Nyhuis
Paul Onorato
Valerie Ozuu
Kevin Pachtinger
Robert Palm
Richard Parker
James Pate
Robert Patterson
Paul Pearlstein
Jessica Pearson
Steve Pew
Charles Phillips
Richard Phillips
R. Scott Pierce
Joseph Pirone
Emanuel Plesent
Lori Plotkin-Blum
Raymond Poole
Jeannie Prather
David Pruden
Steven Pulliam
Michael Racer
Craig Raddatz
V. Rajan
Melvin Rand
Carol Randolph
Arthur Rangel
John Ratajewski
Robert Rice
William Rinehart
Barry Ringelheim
Jack Robinson
Paul Robinson
Ronald Robinson
Scott Roleson
C. Bruce and Elli Ross
John Rossler
Heather Rowison
Steve Russell
Gary Santora
S. Richard Sauber
Joseph Saud
Antoinette Saunders
Alan Scalone
Mary Jo Scalone
Gregg Schaaf
Dale Schaeitzke
Joyce Schargorodski
Roy Schenk
David Scherer
Kim Schmitt
Candace Schooley
Stephen Schuker
Daniel Schumaker
Lita Schwartz
Kay Schwartzberg
Kay Seay
Deborah and Larr Selk
Stephen Shanahan
Elizabeth Sharpe
Elwyn Shaw
Daniel Sherman
Lawrence Sherman
Susan Shetka
Arnold Shienbold
* John Siegmund
Mary Siegmund
Ronald and Mary Sieloff
Lewis Sierra
Tony Silvestri
Archie Simmons
Phyllis Simon
* Kenneth Skilling
Don Slagle
Albert Smith
* Donald Smith

Riette Smith
Theodore Smith
F. Thomas Snoddy
Gerald Solomon
Martha Solt
Melissa Spittle
Debbie Stabenow
Larry Stainback
Murray Steinberg
Bill Stewart
Greg Stidham
Jon Stidham
E. Stokes
Vivian Stoutimore
William Strange
Christine Strohnan
Lee Sullivan
R. Kirk Suttell
John Talerico
James Taylor
Raymond Ternes
David Terrazino
Linda Thatcher
James Thienel
Dean Tong
Elizabeth Tong
* William A. Toto
Bob Trahon
Fred Tubbs
Emma Twigg-Clarke
Larry Twombly
Donnie Underwood
Richard Unger
Dortohy Vallee
Charles VanDuzee
Russell Vander Wier
Eugene Veto
Bob Vinik
Michael Wade
C. Gunnar Wahlstrom
Harvey Walden
Mark Warda
Joe and Niki Wathen
Joanne Weber
Richard Weiner
Jerome Weinstein
Herbert Weissman
Ted Westrich
Paul Whistlecraft
Brent Whiting
* Clair Wiederholt
Jack Wiegand
Kent Wilcox
Michael Williams
Becky Wilson
Lynnford Wilson
Douglas Wipf
Thomas Wisniewski
Ronald Witmer
John Wolff
Cinda Wood Love
Dick Woods
Gregory Woods
Norman Wright
Richard Wrona
Curtis Wroten
Joseph Wymard
Andrew Yablonsky
Carroll Zahorsky
Frank Zepezauer
John Zimmerman
Morris Ziskind
Michael Zuckman
* Andrew Zwernemann

Here are Some SPECIAL ADDITIONS to the

Children's Rights Council

1992

CATALOG OF RESOURCES

for parents
and professionals



The CRC catalog lists more than sixty books, written reports, audio-cassettes, model bills, and gifts for children. Members can receive additional free copies of the catalog by contacting CRC. Non-members can order one for \$1.00. Write: CRC, 220 1 Str., NE, Suite 230, Washington, D.C. 20002-4362.

Regular Discount*: CRC Members - 10% ea. book
- 20% other items

Send all book orders to: CRC Books, P.O. Box 5568
Friendship Station, Wash., DC 20016.
Add \$2 for 1st book, 50¢ each additional
book for shipping and handling.

* RECEIVE AN ADDITIONAL 5% DISCOUNT ON THE FOLLOWING
1992 CATALOG OF RESOURCES ITEMS:

Some Special Additions and Some Books Currently Listed



The Parental Alienation Syndrome, by Richard A. Gardner, M.D.
The PAS occurs when one parent denigrates the other parent, and gets the child to join in the denigration. Gardner, a national expert on the PAS, describes the disorder and recommends treatment. 1992 publishing of this material as a separate book for the first time. BKA-803 — 348 pg. HB \$30.00.

A Hole In My Heart: Adult Children of Divorce Speak Out,
by Claire Berman. Enables people to understand they are not alone, and helps spouses and loved ones better understand their mates. BKM-505 — 280 pg. SB \$8.00.

Surviving The Breakup, by Joan Berlin Kelly, Ph.D. and Judith S. Wallerstein, Ph.D. A longitudinal study of the effects of divorce on children. BKP-210 — 340 pg. SB \$14.00.

For The Sake Of The Children, by Kris Kline and Stephen Pew, Ph.D.
Insights and advice on how parents can cooperate after divorce. BKP-211 — 220 pg. HB \$17.95.

Bad Moon Rising: A True Story, by Dr. Dana Ferguson. False allegations of sexual abuse devastate a family. "A moving account of a great American tragedy" — Douglas Besharov, first director of the National Center for Child Abuse and Neglect (NCCAN). BKA-804 — 165 pg. SB \$8.95.

XXXXXXXXXXXXXXXXXXXX

XXXXXXXXXXXXXXXXXXXX

Divorce Book For Parents, by Vicki Lansky. BKP-203 — 254 pg. HB \$18.95.

The Handbook Of Divorce Mediation, by Lenard Marlow, J.D. and S. Richard Sauber, Ph.D. BKE-604 — 506 pg. HB \$65.00.

The Joint Custody Handbook (updated 1991), by Miriam Galper Cohen. BKE-605 — 202 pg. SB \$10.95.

The Reign Of Error, by Lee Coleman, M.D. BKA-805 — 300 pg. HB \$18.95.

Fathers Rights - The Sourcebook For Dealing With The Child Support System, by Jon Conine. BKP-406 — 220 pg. HB \$17.95.

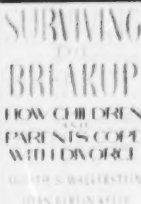
Mom's House, Dad's House, by Isolina Ricci, Ph.D. BKP-202 — 270 pg. SB \$8.95.

Second Chances, by Judith S. Wallerstein and Sandra Blakeslee. BKP-212 — 330 pg. HB \$19.95.

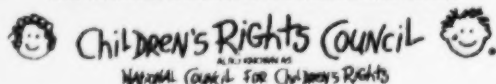
Parent vs. Parent, by Stephen P. Herman, M.D. BKP-209 — 240 pg. HB \$20.95.

Don't Blame Me, Daddy, by Dean Tong. BKA-806 — 215 pg. HB \$11.95.

Long Distance Parenting, by Miriam Galper Cohen. BKP-213 — 193 pg. HB \$17.95.



A NON-PROFIT, TAX EXEMPT ORGANIZATION STRENGTHENING FAMILIES
AND ASSISTING CHILDREN OF SEPARATION AND DIVORCE

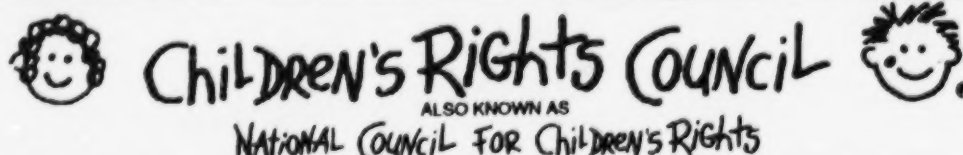


220 Eye Street NE, Suite 230, Washington, DC 20002-4362

Non Profit Organization
U.S. Postage
PAID
Washington, D.C.
Permit # 881

Address Correction Requested

Please Reprint This in Your Newsletter or Journal



We are proud of your achievement, CRC! Sign me up and send me the benefits listed below. Enclosed is my tax deductible contribution as a:

New member, \$35 Sustaining member, \$60 Sponsor, \$125

Life member, \$500 Other \$ _____

I can't join now, but here is my tax-deductible contribution of \$ _____.

PLEASE CHECK ALL THAT APPLY.

MC VISA CC# _____ Exp. date _____

CRC # _____ if renewal or change of address, see CRC number on label.

Title _____ (Mr., Ms., Dr., Rev., etc.)

Name _____ (Must be provided.)

Suffix _____ (ACSW, MD, etc.) Nickname _____ (Optional.)

Organization (48 Character maximum): _____

Delivery Address (48 Character maximum): _____

City _____ State (2 characters) _____

Zip Code _____ - _____

Country- _____ (If other than US.)

Organization phone _____ Home phone _____

Work phone _____ If organization is listed in CRC Directory, organization phone number will be listed.

Home and work phone numbers are for CRC internal use only.

Fax number _____ Chapter name, if affiliated with CRC _____

As a member, please send me *Speak Out For Children* (CRC's Quarterly Newsletter), Catalog of Resources (in which I receive discounts) and the following at NO ADDITIONAL COST:

• "A Child's Right — 2 Parents," Bumper Sticker.

• FREE! A \$10 VALUE — A 32-page report, Written Preliminary Proceedings from NCCR's 1990 Fifth Annual Conference (submitted prior to conference). Includes 18 different reports including Child Sexual Abuse, New Access (Visitation) Research, What is Happening in the Black Family, How to Avoid a Parentectomy, and Activities of the ABA's Center on Children and the Law

For my membership of more than \$35 or renewal, send me a list of free items I'm entitled to (the higher the contributions, the more items that are free). If you are an individual member of CRC, your name may be given on occasion to other children's rights organizations, organizations that support CRC, or individuals seeking a referral for help. If you do not want your name to be given for these purposes, please check here _____

Call (202) 547-6227 to charge your membership to a credit card, or
send completed form to CRC, 220 I Street, NE, Suite 230, Washington, DC 20002-4362.

Distributed by:

If you of AL, AK, CA, FL, GA, OH, IN, IA, IL, KY, MI, MD, NJ, NY, PA, TX, VA, VT, we ask that you join the CRC chapter in that state (which includes membership in CRC National). For address of chapter in those states, see elsewhere in this newsletter, or write to CRD for information

Bulk copies of this newsletter are available (20 for \$15, 50 for \$30, and 100 for \$59) for distribution to policy-makers, judges, and interested persons in your state. Send order to CRC.



CHILDREN'S RIGHTS COUNCIL



ALSO KNOWN AS

NATIONAL COUNCIL FOR CHILDREN'S RIGHTS

220 Eye Street N.E., Ste. 230, Washington, D.C. 20002-4362 Telephone (202) 547-NCCR (6227) Fax (202) 546-4CRC (4272)

ACTION ALERT!!! ACTION ALERT!!! ACTION ALERT!!!

September, 1992

The Hyde bill (H. R. 1241) to create a federal crime for interstate flight to avoid child support has passed the House, but the effort to provide balance for this legislation is far from over. We need your help.

Please contact members of the U.S. Senate asking them to support a proposal by Sen. Herbert Kohl (D-WI) to establish "an interstate commission to study access/visitation and other family law issues." We have long sought to get Congress to establish such a commission, because of the high visibility access/visitation would get. Sen. Kohl, chairman of the subcommittee considering the Shelby bill (S. 1002), the Senate counterpart to the Hyde bill, indicates he will amend the Shelby bill to create such a commission. But he needs to know that other Senators, especially Sen. Joe Biden (D-DE), chairman of the Judiciary Committee, support this commission. You should contact Sen. Joe Biden (D-DE), Sen. Kohl, and your Senator, asking their support for such a commission.

Also, please contact members of the House of Representatives asking them to co-sponsor H.R. 5791, the "balancing amendment" that was introduced in August by Reps. Andy Jacobs (D-IN) and Don Burton (R-IN). The balancing amendment would require that access/visitation and custody orders, as well as financial child support orders, be enforced interstate.

AT THIS POINT, THE SENATE IS MORE CRUCIAL THAN THE HOUSE. THE COMMISSION IS MORE LIKELY TO BE ADOPTED THAN THE BALANCING AMENDMENT. SO IT IS MORE IMPORTANT THAT YOU WRITE TO SEN. KOHL, SEN. BIDEN, AND YOUR SENATOR, ASKING THEM TO SUPPORT THE ESTABLISHMENT OF "A COMMISSION TO STUDY INTERSTATE ACCESS/VISITATION AND OTHER FAMILY LAW ISSUES AS AN AMENDMENT TO S. 1002."

DON'T LET THIS PROPOSAL FAIL BECAUSE YOU, YOUR FRIENDS, AND MEMBERS OF YOUR GROUP DID NOT WRITE THOSE LETTERS!

When you write or phone, be polite, factual and gender neutral. And remember, three short letters count for more than one long letter.

Write or phone your Congress member right away! Your Congressmember will listen to his or her constituents. You are voters, and this is an election year!

Contact Senators at: Senator ---, U.S. Senate, Washington, D.C. 20510

Contact Representatives at: Representative ----, House of Representatives, Washington, D.C. 20515

The phone number for all Congressmembers is (202) CA 4-3121. Or contact your Congress member at his/her home office in your District.

x x x x x x x x x x

Please consider a donation to CRC to help defray the cost of this mailing. Thank you.



Children's Rights Council

(CRC)



Number 1513

in the National Combined Federal Campaign



**CHILDREN'S
CHARITIES
of AMERICA**

We are a member of Children's Charities of America (CCA). Look for CCA's listing in the front section of the CFC Brochure, then turn to the page given for CCA's members. We are number 1513.

YOU MUST DESIGNATE 1513 FOR US TO RECEIVE FUNDS.

CRC works to assure that children of separation and divorce obtain as much emotional and financial support as children of intact marriages.

Some accomplishments of CRC

1. Publicized findings that children with two parents generally have fewer problems with drugs and crime than children with only one parent. Proposed changes in attitudes and laws in order to encourage a child's bonding to two parents and extended family.
2. Provided the necessary data that led Congress to provide funds for the first time in history to improve access (visitation) between children and their non-custodial parents.
3. Promoted the "Banana Splits" school-based programs to help children of separation and divorce channel the transition in their lives into stronger academic achievement.
4. Award-winner for assisting a county outside Washington, D.C. (Prince George's, Md) in hiring staff to improve bonding between children and their non-custodial parents.
5. Won a court case in Ohio upholding a joint custody (shared parenting) agreement approved in Florida between two parents that one of the parents sought to repudiate when the parents moved to Ohio.
6. Won a court case in New Jersey upholding a law that allows a judge to give custody to Parent B if parent A seeks to permanently remove the child to another state without sufficient reason.
7. Provided advice to parents and professionals on how to get through the divorce process in the most peaceful, problem-free way so as to take the stress out of divorce. Money that would be spent on battling between parents is available for the children.

CRC only receives funds that you actually designate! Please designate **Number 1513 in the National Combined Federal Campaign.**

CRC is a non-profit organization located at 220 Eye Street N.E., Washington, D.C. 20002, phone (202) 547-6227, fax 202-546-4CRC. For a copy of our Catalog of Resources, Directory of Parenting Organizations, Affiliation Book, annual report, or latest audit, write or call CRC. Thank you.

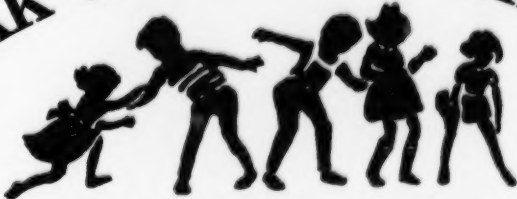
Please reproduce this flyer and distribute anywhere in the U.S. to federal offices, U.S. Post Offices, and military bases for nationwide October, 1992 federal charity campaign.

214

All artwork trademarked or trademark pending, CRC



SPEAK OUT FOR CHILDRENTM



The Quarterly Newsletter of The Children's Rights Council, Inc.
(also known as The National Council for Children's Rights, Inc.)

220 "I" Street NE, Suite 230, Washington, DC 20002-4362 • Phone (202) 547-6227 Fax (202) 546-4CC (4272)

IN THIS ISSUE:

About CRC 2

Conference
April 29, 1993 4

Nobel Winner
Discusses Welfare ... 7

Directory of
Organizations 7

Law Review
Articles 8

Around the Country 9

Access Grants
Evaluation 10

Court Cases 11

Children Deserve
Access 12

Big Boys Do Cry! ... 13

Chapter News 15

In Congress 16

CRC Chapters 17

Funding Needed Before Commission Can Start Work Congress Authorizes Study of Access (Visitation) and Other Issues

Congress has authorized the creation of a national Commission on Child and Family Welfare, which would have a special emphasis on child access (visitation).

The commission is part of the Hyde/Shelby bill, passed unanimously by Congress, which would make it a federal crime to flee across state lines to "willfully" avoid payment of financial child support.

The bill, S. 1002, received final Congressional approval on October 6, 1992, and was signed by the President.

Under Congress's two-step process, the authorization for the commission must now await Congressional funding. Senator Herbert Kohl (D-WI), the major sponsor of the interstate commission, tried to get Congress to fund \$2 million for the commission, but the rush to Congressional adjournment in early October made the funding bid impossible. \$2 million is the same cost as the Child Support

Commission previously authorized by Congress.

At this point, funding cannot occur until early in 1993, when the new Congress convenes. Members of the commission would not be appointed until after the funding is approved, which means that the commission members probably would not be appointed until mid-1993 at the earliest.

"All the supporters of active parenting of children after separation or divorce thank Senator Kohl for proposing this commission and fighting for its passage," said CRC President David L. Levy. "The commission will provide a national forum that we have needed for a long time on visitation issues."

CRC representatives are contacting members of the Bush Administration to try to get the \$2 million into the President's budget which will be submitted to Congress in January. If not

See Access Study page 5

OCTOBER 18, 1992

For Better or For Worse[®]



©Lynn Johnston Prod., Inc. Reprinted with permission of UNIVERSAL PRESS SYNDICATE

**CRC's 7th
National
Conference
April 29-May 2
1993
See Page 4**

SPEAK OUT FOR CHILDREN is published by the Children's Rights Council, Inc.

Editors: David L. Levy, Elliott H. Diamond.

Contributors to this issue: Kenneth Skilling, Don Bieniewicz, Sonny Burmeister, Wendy Comes.

Staff: Ed Mudrak, Deanne Mechling

The material in this issue is copyrighted by CRC 1992. However, all material may be reproduced, if attribution is given as follows: "From 'SPEAK OUT FOR CHILDREN,' published by The Children's Rights Council."

About CRC

The Children's Rights Council (CRC), also known as the National Council for Children's Rights, is a non-profit [IRS 501(c)(3)] organization, based in Washington, DC. We are concerned with the healthy development of children of divorced and separated parents. For the child's benefit, we seek means of reducing divorce by strengthening families through divorce and custody reform, minimizing hostilities between parents who are involved in marital

disputes, substituting conciliation and mediation for the adversarial approach, assuring a child's access to both parents, and providing equitable child support.

CRC was founded in 1985 by concerned parents who have more than 40 years collective experience in divorce reform and early childhood education.

Prominent professionals in the fields of religion, law, social work, psychology, child care, education,

business and government comprise our Advisory Panel.

For further information about membership, publications, cassettes, catalog, and services, write: CRC, 220 "I" Street, NE, Washington, DC 20002, or call (202) 547-6227. Our fax number is (202) 546-4CRC (4272).

SPEAK OUT FOR CHILDREN is published four times a year and is sent free to members. Send letters, comments, and articles for publication to Editor, CRC.

OFFICERS:

David L. Levy, Esq. President
Anna Keller, Vice President
John L. Bauserman, VP/Treasurer
Ellen Dublin Levy, Secretary

HONORARY PRESIDENT:

David Brenner, Entertainer
New York, New York

HONORARY CHAIRMAN:

Mark Goodson, TV Producer
Beverly Hills and New York

CHAIRMAN:

Stuart W. Cochran II
Elkhart, Indiana

GENERAL COUNSEL:

Michael L. Oddenino
Arcadia, California

DIRECTOR OF INFORMATION SERVICES:

Ed Mudrak

DIRECTOR OF PUBLICATIONS:

Deanne Mechling

DIRECTOR OF DEVELOPMENT:

Clifton A. Clark

ADVISORY PANEL:

Rabbi Mendel Abrams, D. Min.
Former President, Board of Rabbis
of Greater Washington, DC

Sam Brunelli, Executive Director
American Legislative Exchange Council
Washington, DC

Jim Cook, President
Joint Custody Association
Los Angeles, California

"Dear Abby"

(Abigail Van Buren)
Los Angeles, California

Honorable Dennis DeConcini

U.S. Senator, Arizona

Karen DeCrow

Former President of N.O.W.
Jamestown, New York

Elliott H. Diamond

Co-Founder, CRC
Reston, Virginia

Honorable David Durenberger

U.S. Senator, Minnesota

Meyer Elkin, Co-Founder

Association of Family & Conciliation Courts
Beverly Hills, California

Warren Farrell, Ph.D., Author,

Former Member of the Board of
Directors New York City N.O.W.
Leucadia, California

Doris Jonas Freed, Esq., Co-Chair

New York State Bar Association Family Law
Section's Custody Committee
New York, New York

Larry Gaughan, Law Professor,

Professional Director, Family Mediation
of Greater Washington, DC

Ronald T. Haskins, Ph.D., Associate
Director, Bush Institute for Child and
Family Policy, U of NC, Chapel Hill (1978-85)

Jennifer Isham, President

Mothers Without Custody (MW/OC)
Crystal Lake, Illinois

Joan Berlin Kelly, Ph.D.

Executive Director
Northern California Mediation Center

Elisabeth Kubler-Ross, M.D.

Author, Psychiatrist
Head Waters, Virginia

Vicki Lansky, Author/Columnist

Deephaven, Minnesota

James Levine, The Fatherhood Project

The Bank Street College of Education
New York, New York

Dr. Carl H. Mau, Jr.

General Secretary (1974-85)
Lutheran World Federation
Geneva, Switzerland

John Money, Ph.D., Professor of

Medical Psychology and Pediatrics
Johns Hopkins University and Hospital
Baltimore, Maryland

Sue Klavans Simring

Co-Director Family Solutions
The Center of Divorce and Custody Consultation
Englewood, New Jersey

Debbie Stabenow

State Senate, Michigan

Financial Support Controversy

EDITOR:

The article entitled "Forum Change Recommendation by Interstate Child Support Commission" in "Speak Out for Children" (Summer 1992) misrepresented several Commission recommendations.

The Commission did not recommend that the forum for enforcing child support become the forum that is most convenient to the custodial parent or IV-D agency. Nor does the Uniform Interstate Family Support Act (UIFSA), recommended by the National Conference of Commissioners on Uniform State Law, contain such a provision.

Both the Commission and UIFSA recommend a universal long arm statute that enables a state to exercise jurisdiction over a nonresident.

The nonresident could be the custodial or noncustodial parent; there is no discrimination. One of the bases for jurisdiction is the fact that the child resides in the forum state due to acts or directives of the nonresident. Such a provision now exists in several states.

That is only one of several possible bases for jurisdiction.

Once a state has entered an order, that state becomes the only state that can modify the order UNLESS all parties have left the state or the parents agree to another state having jurisdiction.

The result is that if the custodial parent and the child move from the issuing state, and the noncustodial parent stays there, the modification hearing will be in the state of the noncustodial parent. Convenience to the custodial parent or IV-D agency is irrelevant.

I trust that you will ensure that your readers have this corrected information.

Sincerely yours,
Margaret Campbell Haynes,
Chair, U.S. Commission on
Interstate Child Support
Washington, D.C.

Editor's reply: We based our article on comments from Don Chavez, the Commissioner who represented non-custodial parents and children on the Commission.

Chavez said he was not attempting to convey the Commission recommendations to the letter. His intent was to convey the practical effects on

litigants of what the Commission recommended.

Chavez says he stands by his statements that the effect of what the Commission has recommended is the forum for enforcing child support obligations will become the forum that is most convenient to the custodial parent or the child support collection agency.

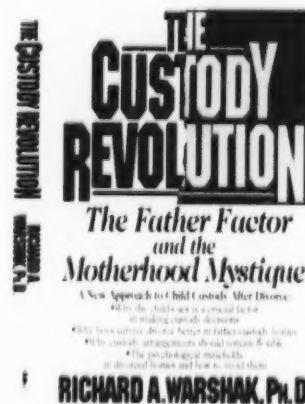
The mere fact that the parent with custody moves to another state would not be enough to remove jurisdiction to the state under UIFSA, says Chavez, but any action by the noncustodial parent that was seen as condoning or encouraging the move would be interpreted as conferring jurisdiction on the new state to hear a modification order.

This could be, speculated Chavez, as simple as a non-custodial parent helping the child to pack a bag for the move to where the custodial parent is living. The state where the custodial parent and child have moved to would then be the forum to hear any child support modification orders.

Chavez says that if Congress adopts the change, "it will further frustrate reasonable efforts by the non-custodial parent to maintain contact with their children."



These are two
of the many books
available to you.
See more books
listed on page 19.



Bowen Travel handles air accommodations for CRC conferences.
We can also handle your everyday air travel needs.
Bowen Travel offers the lowest possible plane fare available.
Call them at 1-800-868-2129.

Seventh National Conference

April 29-May 2, 1993

CRC's Seventh National Conference will be held April 29th-May 2, 1992 at the Holiday Inn in Bethesda, Maryland, just outside Washington, D.C.

The theme of the conference is "Beyond Rhetoric: Assuring a Child's Right to Two Parents."

Speakers will include:



Robert Williams
Ph.D., director, Policy Studies, Inc., Denver, Colorado, who is the main evaluator of the federal access/visitation grants that were awarded to seven states. Williams will report on the progress of those grants;



Hugh McIsaac
Director, Conciliation Court of Los Angeles, the largest conciliation court in the U.S., who will discuss alternatives to the adversarial process for resolution of child custody cases;



Nancy Thoennes



Miriam Cohen

Nancy Thoennes, Ph.D., co-director, Center for Policy Research, Denver, Colorado, who will report on two research projects she is directing:

- * mediation rather than litigation as a means of resolving child abuse and neglect cases, and
- * an assessment of the U.S. foster care system;

Miriam Galper Cohen, Glenside,

Pennsylvania, author of "Long Distance Parenting;"

Nicholas Zill, director of Child Trends, Inc., Washington, D.C., who will report on his analysis of the Census Bureau data that shows that fathers with joint custody pay 90.2% of their support, fathers with visitation pay 79.1% of their support, and fathers with neither joint custody nor visitation pay only 44.5% of their support. Other data involving mothers and fathers and child development will also be presented;



David Brenner

David Brenner, the TV entertainer who is CRC's Honorary President, will give a benefit performance at the conference.

Awards Time Again

At the conference, CRC will present the annual Chief Justice Warren E. Burger awards for "healers" among lawyers, judges and others, and its annual Media Awards and Active Parenting Awards. The award consist of engraved plaques.

A "healer" might be:

- * a judge who takes the lead in promoting joint custody (shared parenting);
- * a pre-court trial service which fosters mediation; or
- * an attorney with a professional track record of promoting a child's access to two parents and others who have bonded with the child.

For media awards, possible contenders are:

- * best and worst treatment of children and parents of divorce in the news media (including newspapers, magazines, TV and radio coverage);
- * best and worst media coverage of a county agency helping children of divorce with programs for teenage parents; or
- * best and worst TV series on abuse and false abuse charges.

For active parenting possible contenders are:

- * organizations and individuals that promote active positive parenting;
- * programs that help with family formation and family preservation;
- * programs that help parents do better parenting in the event of divorce.

Send "Healer" awards nominations to:

Carla A. Goodwin, M.Ed.
Certified Ed. Psychologist
820 Washington Street
South Easton, MA 02375

Send media and parenting award nominations to CRC. We are seeking a volunteer to review applications for one or both of these categories. Contact CRC if you are interested.

Children's Day Celebrated



Rep. Kennedy

Although the U.S. is one of the few countries in the world that does not have a national children's day, Congress has passed four annual resolutions asking Americans to observe Children's Day on the second Sunday in October.

CRC is one of the few national organizations that observed Children's Day on the second Sunday in October, October 11. We held a candlelight vigil in Washington at the National Children's Museum, across the street from CRC's office on Capitol Hill.

Participants read from the Congressional Resolution, which had been sponsored by Rep. Joseph P. Kennedy II (D-MA). Washington Redskins football star Gary Clark sent a message to CRC for our candlelight vigil.

The CRC chapter in Richmond, Virginia also sponsored a candlelight vigil on a block-long section of downtown Richmond.

Many churches celebrate Children's Day in the U.S. on the first or second Sunday in June.

Access Study

Continued from page 1

proposed by the President, Congress can still authorize the money on its own.

There is precedent for Congress funding access projects on its own initiative. Congress, without presidential request, provided \$3.4 million over two years for the access/visitation demonstration projects for several states that were authorized in the 1988 Family Support Act.

Purpose of the Commission

The bill says the commission is to "compile information and data on the issues that affect the best interests of children, including domestic issues such as abuse, family relations, services and agencies for children and families, family courts and juvenile courts."

"The Commission shall—

"(1) compile information and data on the issues that affect the best interests of children, including domestic issues such as abuse, family relations, services and agencies for children and families, family courts and juvenile courts;

"(2) compile a report that lists the strengths and weaknesses of the child welfare system as it relates to placement (including child custody and visitation), summarize state laws and regulations relating to visitation, and makes recommendations for changing the system or developing a federal role in strengthening the system;

"(3) study the strengths and weaknesses of the juvenile and family courts as they relate to visitation, custody, and child support enforcement and suggest any recommendations for changing the system;

"(4) study domestic issues that relate to the treatment and placement of children (such as child and spousal abuse) and suggest recommendations for any needed changes, including models for mediation and other programs."

Hearings to be Held

The commission is to hire staff, and hold hearings "in various areas of the country, including inner cities,

suburbs, and rural areas to gather a broad spectrum of information on the issues to be addressed. Parents, children, experts, religious leaders, and public and private agency officials shall be afforded the opportunity to give testimony at such hearings."

Although CRC tried to get a commission established that would deal only with access/visitation issues, and the commission's mandate is broader than that, it is important to note that access and visitation are the only issues Senator Kohl mentioned during his statements on the Senate floor.

These statements appeared in the Congressional Record of September 21, 1992 pages S14309-14311, and October 7, 1992, pages S17129-17131.



Senator Kohl

On both occasions, Senator Kohl told the Senate, "The commission is not an attempt to link child support and child access; in fact, I do not believe that linkage is legitimate. But I do believe that some noncustodial parents, many of whom faithfully pay their child support, have legitimate concerns. They want to contribute to the emotional as well as the financial well-being of their children. We should look at this issue just as we studied interstate nonpayment and that is what this provision charges the commission to do."

This is significant because such comments, the only statement that appear in the Congressional Record on the purposes of this commission, form the "legislative history" that is supposed to guide how legislation is interpreted.

Kohl was also sensitive enough to place in the September 21 Congressional Record letters from about a dozen people and organizations who had written to him in support of creation of such a commission.

Fifteen Commissioners to be Named

The 15 commissioners, who serve without compensation, but who will receive travel and per diem expenses to hearings and meetings, are to be appointed as follows:

* 3 by the president of the United States,

* 4 by the President pro tempore of the Senate,

* 2 by the Senate minority leader,

* 4 by the Speaker of the House, and

* 2 by the House minority leader.

Originally, Democrats and Republicans in the House and Senate were to each appoint an equal number of commissioners, but the Democratic controlled House insisted on being able to appoint a majority of the commissioners. The President pro tempore of the Senate, Robert C. Byrd, W-VA, and the Speaker of the House, Thomas Foley, WA, are Democrats.

The law provides that "The commissioners are to be

"(a) persons who have expertise in family law, children's issues, mental health, and related policies;

"(b) persons who have expertise, through research and practice in laws and policies related to child and family welfare;

"(c) persons who represent organizations that seek to protect the civil rights of children;

"(d) persons who represent advocacy groups that work for the interests of children;

"(e) persons who represent advocacy groups that work for the interests of both custodial and noncustodial parents; and

"(f) persons who have conducted extensive research on, or delivered services to, children adversely affected by divorce."

Family advocate Ron Henry, a Washington attorney, said that "It would seem that groups such as the Association of Family and Conciliation Courts, the Academy of Family Mediators, the National Committee for Prevention of Child Abuse, Mothers Without Custody, and other organizations and individuals would be eligible to have representatives appointed to the Commission."

The commission is required to file an interim report to Congress and the President by January 1, 1994 and a final report by January 1, 1995, "which shall contain a detailed statement of

See Access Study page 6

SPEAK OUT FOR CHILDREN Fall 1992 5

Access Study

Continued from page 5

its findings and conclusions, together with its recommendations for such legislation and administrative actions as it considers to be appropriate."

In the September 21 Congressional Record, Kohl also noted that he had chaired a hearing in July which heard from custodial and non-custodial parents. William Fetzner, head of Fathers for Equal Rights in Kohl's home state of Wisconsin, was, along with other organizations, invited by Kohl to testify.

Kim Shearin, a member of Kohl's staff, said Kohl was also encouraged to work for establishment of a visitation commission by the dissent filed by Don Chavez to the report of the Interstate Child Support Commission. The report made a strong case for better handling of access/visitation cases, she said.

At a hearing in the House of Representatives earlier in 1992 chaired by Rep. Charles Schumer (D-NY), no

groups who wanted a commission or who had other concerns about the Hyde/Shelby bill were allowed to testify.

Child Support Provisions

The new law makes clear that a person must "willfully" fail to pay child support, and be more than one year and more than \$5,000 in arrearages. The first conviction would result in a fine and six months imprisonment or both, and subsequent convictions could result in a fine and up to 2 years in prison. The court would also be ordered to require payment of the outstanding child support obligation.

In statements in the Congressional Record of September 21 and October 7, Senator Kohl made clear that the federal authorities must prove that a parent "willfully refused to pay his or her child support arrearages. This...will help protect noncustodial parents who cannot pay child support because they are unemployed or underemployed. And the willful nonpayers would still be penalized."

To prove a "willful" violation, federal prosecutors would have to prove "guilt beyond a reasonable doubt" and the person prosecuted would be entitled to a jury trial.

(Copies of the seven pages from the two Congressional Records referred to above, which contain a complete copy of the law, can be obtained from CRC for \$3.00 for CRC members and \$5.00 for non-members.)

The Liberator

***The men's movement
monthly magazine.***

**Domestic relations, court
news, gender issues
and other topics.**

\$20 per year

For information, write to:

**The Liberator
Men's Rights Association
Route 6
Forest Lake, MN
55025-8854**

Library Subscriptions Encouraged

We would like your help to encourage more libraries to subscribe to "Speak Out for Children." When libraries subscribe, researchers, writers, and members of the general public have greater access to the materials reported in this newsletter, thus facilitating greater acceptance of the ideas CRC supporters believe in.

Libraries will often respond to requests by users, so it would help if you could photocopy the subscription form below (so as not to tear up the newsletter), then bring the form to your public, school, or university library. Alternatively, you may use the form to provide a gift of the newsletter to your favorite library. The library rate is \$22.00 a year.

LIBRARY SUBSCRIPTION FORM

Please enter a subscription to "Speak Out for Children", a quarterly newsletter that reports on research, court developments and news from around the country affecting children of divorce. The newsletter also reports on ways to encourage family formation and family preservation.

Name of Library _____

Address of Library _____

Payment from Library Donor

Name and address of donor (if applicable) _____

Payment by Check MC Visa AMEX

Credit Card No. _____ Exp. date _____

Library Subscriptions: \$22.00 a year. Foreign add \$4.00. Mail this form to the Children's Rights Council, 220 Eye Street N.E., Suite 230, Washington, D.C. 20002, telephone your order to (202) 547-6227, or fax your order to (202) 546-4CRC.

Inside CRC

Ed Mudrak, director of Information Services, was honored by RSVP, Retired Senior Volunteer Service, for his contributions to CRC. Mudrak and other volunteers were praised for their volunteer work at a luncheon sponsored by RSVP in Washington, D.C. on October 15, 1992.

Ken Skilling, a longtime activist for CRC, has been named a Senior Policy Analyst for CRC. Skilling, who lives in the Washington, D.C. area, is active in such areas as negotiations with the State Department regarding the Hague Convention and media contacts.

In August, CRC President David L. Levy participated in a panel discussion on "Custody Diversity" at the American Bar Association conference in San Francisco, and spoke at the National Congress for Men and Children conference in Detroit.

In November, Levy presented CRC materials at the National Council on Family Relations conference in Orlando, Florida.

CRC in the News

CRC President David L. Levy appeared on CBS's "Good Morning America" and NBC's Faith Daniels show in October to discuss the Gregory K. case in Florida. Gregory K. sued his parents for termination of their parental rights.

After a highly-publicized hearing in Orlando, Florida, Judge Thomas Kirk allowed the 12 year old boy's foster parents to adopt him. CRC filed an amicus curiae brief in that case, not to question where Gregory K. (who changed his name to Shawn Russ) should live, but only to question the

procedure by which a child can sue his or her parents.

On his TV appearances, Levy noted that there are 500,000 children in foster care in America, and that the child welfare system has failed many children, including Shawn Russ. But he said the solution is to make the appropriate adults, such as officials of the child welfare system, responsible for proper handling of cases (either family reunification or adoption), not to put children in the position of having to bring legal actions against their parents.

The mother in the case is appealing the adoption; CRC's amicus brief on appeal will only speak to the procedure by which the child, not adults, brought the action for the termination of parental rights.

On other CRC issues, including custody and access, Levy has also appeared on UPI National Radio, NBC Radio, been quoted in Men's Health (December 1992), Playboy (November, 1992), Charlotte (N.C.) Observer, the Long Beach (CA) Press-Telegram, and other media.

CRC General Counsel Michael Oddenino appeared on WRVA Radio in Richmond, VA.

Directory of Organizations

CRC's "Parenting International Directory," the fourth edition of its directory, is available in a hard copy (updated annually) and on IBM 5 1/4" disk (updated semi-annually), at a cost of \$12 for either format for CRC members, and \$15 for non-members.

Order your copy of the fourth edition now from CRC.

Nobel Prize Winner on Welfare Laws



Gary Becker

Gary S. Becker, a University of Chicago professor who won the 1992 Nobel Prize for economics, pioneered theories of rational behavior, some of which appear in his 1964 book entitled "Human Capital."

Becker has written that people are not vegetables, but respond to situations in ways they think will maximize their self-interest.

His "most noteworthy contribution," according to the Nobel committee, is on human capital. In his book, Becker developed an economic analysis for how investment in an individual's education and training is similar to business investments in equipment.

Like a lot of Nobel Prizewinning ideas, these seem absurdly simple. And they are, except for the fact that they had apparently never occurred to a lot of the people who run governments around the world, said the Wall Street Journal in an October 14, 1992 editorial.

Welfare laws, for example, often deny benefits to women who live with their husbands. In that case, Mr. Becker observed, some wives move out, thereby destroying families, the opposite of the laws' goal. Many states now are reforming their welfare laws using this mode of thought, noted the Journal.

**CRC needs typewriters,
please donate one.**

Writers on Divorce Seek Responses to Questionnaires

Melinda Blau is working on a book tentatively entitled "Families Apart: Ten Keys to Successful Coparenting."

Many CRC parents have already responded to Ms. Blau's request to answer her questionnaire about coparenting and/or granting phone interviews. It doesn't matter when you were divorced, and you don't have to be

"best friends" — just mothers and fathers who put their heads together for the sake of dealing with your children.

Ms. Blau would like more parents available for such interviews. She may be contacted at 4 Crescent Road, Northampton, MA 01060, phone (413) 586-9090.

* * *

Gayle Kimball, a professor working on a book for children, would like young people aged 9 to 25 whose parents are divorced, to answer a brief questionnaire. For copies of the questionnaire, contact Kimball at 42 Rancheto Way, Chico, CA 95929, phone 916-345-8118.

SPEAK OUT FOR CHILDREN Fall 1992 7

Law Review Articles

Collecting Child Support From Delinquent Parents (Revoking Professional Licenses for Nonpayment of Child Support)

By Susan Nicholas
from the *Arizona Law Review*, 1992,
Volume 14, Number 1

"Mrs. Flores, a psychologist licensed in Arizona, was threatened with loss of her license. She was not charged with incompetence or unprofessional conduct, but with non-payment of child support. She was the first individual targeted by an Arizona child support enforcement mechanism." She lost her fight when an Arizona Superior Court judge, holding the statute constitutional, refused to protect her license.

The law (threatened loss of professional licenses for non-payment of support) "will likely survive any constitutional challenge and prove to be an effective collection mechanism for those able but unwilling to pay support. The law, however is misguided because of the harsh consequences it creates for individuals who are unable to pay support. It will deny them licenses and the opportunity to work.

"(The law) thus will not collect support from these individuals; instead, the law will punish them.

"When the law becomes nothing more than a mechanism to punish delinquent parents, it loses its effectiveness as a child support enforcement mechanism, and both the delinquent parents and the children suffer. Society must intervene and provide for the children when the non-custodial parents cannot. Otherwise the real goal (of such a law) is not to help the child but to punish the parent."

Ohio's Mandatory Child Support Guidelines: Child Support or Spousal Maintenance?

By Sharon J. Badertscher
Case Western Reserve Law
Review, 1992, Volume 42, Number 1

The new Ohio child support law "creates a child support framework which, for those with substantial incomes, disproportionately shifts the cost of raising a child to the non-custodial parent. In fact, in some cases the new guidelines require him to pay an amount of support that is not rationally related to the actual cost of raising his child.

"Under the new guidelines, the support obligation for families with a combined income of more than \$100,000 per year is calculated as a fixed percentage of the families' incomes and, as such, requires high income parents to pay a disproportionately large sum in child support. At these high income levels, the amount ordered for child support no longer has any economic relevance to the actual needs of the child.

"In addition, the structure of the Ohio guidelines renders the amount of support calculated under the formula virtually irrebutable by the non-custodial parent."

Tennessee's Prohibition of the Retroactive Modification of Child Support Orders

By Timothy M. McLaughlin
from the *Tennessee Law Review*,
Winter 1992, Volume 59, Number 2

"Before 1987, Tennessee case law permitted retroactive modification of child support orders. This remedy allowed trial judges to reduce or cancel support arrearages in cases where the petitioner demonstrated substantially changed circumstances, such as unemployment or disability.

"In 1986, however, Congress enacted legislation that threatened Tennessee (and all states) with the loss of Aid to Families with Dependent Children (AFDC) funds unless the state prohibited retroactive modification of support orders."

"While this statute—42 U.S. Code, Sec. 666(a)(9)—was enacted to prevent serious harm resulting from non-payment of child support, it will also cause harm to obligors who have genuinely experienced a change of circumstances and who lack adequate access to the courts...Obligors with inadequate access to attorneys and the legal system, such as institutionalized persons, the poor, and the unemployed, are likely to be both unaware of (the law) and unable to give prompt notice.

"Consequently, such obligors will accumulate support arrearages that are extremely difficult to expunge, and which may have resulted from their changed circumstances and inadequate access to the courts rather than from their willful refusal to pay support."

The author says immediate income withholding on support orders can help eliminate arrearages. And she recommends settlement agreements between obligors and obligees which are approved by the courts, because the courts remain free to approve settlement agreements between parties, even if the agreement is to pay less than the past due amount that is owed.

CRC Note: Support can be changed prospectively, from the date the obligor files a request with a court for a change in a child support order, even if the actual order is not issued until later, but the support order may not be changed retroactively before the notice was filed with the court.

CRC has asked Sen. Bill Bradley (D-NJ), who got Congress to prohibit retroactive modification, to amend the law to make it a rebuttable presumption against retroactive modification, so that hardship cases could be dealt with fairly by the courts. Bradley said CRC's suggestion made sense, but he has not introduced legislation to change the law accordingly.

Around the Country

Maryland

Federal Judge Rules in Abuse Case

A federal judge in Baltimore, Maryland, in an opinion that could ultimately affect many child abuse and neglect cases, has ruled that a married couple was placed on the state's computer file as suspected child abusers without proper notice and a hearing.

Also, because abuse had been ruled out, the judge said that local authorities "have maintained a...case file (on David and Marsha Hodge) with no legitimate justification for doing so."

The ruling by U.S. District Judge Herbert P. Murray in October, 1992, came in a federal lawsuit in which the Hodges are seeking \$1.5 million in damages from state and Carroll County authorities. Earlier, the judge had ordered local officials to show the Hodges their records.

The records showed that the Hodges had taken their then three month old son Joey to a doctor. Joey's arm was red and swollen because of a bone infection, but the doctor misdiagnosed it as fractured and reported it as suspected child abuse.

A hospital subsequently correctly diagnosed Joey as suffering from osteomyelitis, a bone infection, but the original report of possible sexual abuse remained on state records.

State officials had told the Hodges for years that all records exonerated them, but no one corrected the state's file until last January, four days after the Hodges filed their federal lawsuit. State officials said the Hodges name had not been removed earlier because of computer error.

The lawsuit led to broader allegations that Maryland social workers responsible for protecting children sometimes abuse their authority. Former social workers testified at the hearings about

* parents losing custody of their children, often on little hard evidence,

* unsubstantiated cases kept open to force parents into counselling or other treatment simply to increase caseloads to justify funding requests,

and

* confidentiality rules intended to protect children being used to shield incompetent or malicious employees from public scrutiny and oversight.

"Mistakes in child protection files and records can have a devastating effect on children and families (but) these errors are impossible for clients to correct," said Selena Thomas, a Baltimore social worker for 19 years before she left to do further graduate study.

Records "often were heavily steeped in unsupported opinion and conjecture," she said in an affidavit.

(Copies of the opinion in this case available from CRC \$2.00 for members, \$5.00 for non-members).

Georgia

Children Taken from Father After He Testifies Before Congress

Jim Wagner, a member of the Georgia Council for Children's Rights (GCCR), testified June 30, 1992 before a House of Representatives subcommittee.

The subcommittee was considering a recommendation by Congressman Tom Downey (D-NY) and Henry Hyde (R-IL) to guarantee cash benefits for children in single parent families. The proposal would also federalize the nation's state-run enforcement system by making the IRS the central collection agency. The proposal may be introduced in bill form in Congress in 1993, although Downey was defeated for re-election to Congress.

At the hearing, Wagner, speaking on behalf of the GCCR, an affiliate of CRC, called the Downey/Hyde proposal "another program to try to prop up single parent households."

He noted that the three major predictors of child support compliance are:

1) a fair and equitable order, with child support based on the income of both parents and the actual costs of raising the child;

2) parenting access for the noncustodial parent—enforced and protected by the system;

3) employment for the noncustodial parent.

Wagner pointed out the current inadequacies in enforcing all three of those goals. He urged the committee to encourage:

* family formation;

* family preservation;

* conciliation between divorced or estranged parents; and

* protection of the parent/child relationship, as the best guarantors of assuring both parenting of children and a reasonable level of financial child support.

Wagner told the subcommittee that there was gender bias in his custody case. He told the subcommittee that for ten years, he had custody of his four children and received no child support from the other parent for eight of those years, even though the other parent worked outside the home. She was ordered to pay for the last years but fell behind to the amount of \$1,400.

When two of the of four children elected to live with the other parent, the court abated her arrearage, and ordered him to pay child support for the two who were with her, and removed her from any support obligation for the two living with him.

Their incomes are comparable.

When Wagner returned to Georgia following his Congressional testimony, he filed a motion to set aside that order on child support and abating the arrearage.

The court responded by taking away the other two children from him, giving them to the other parent, and ordered him to pay \$6,000 in the other parent's attorneys fee. When he could not pay within 15 days, the court jailed him.

GCCR has asked for a congressional investigation into the court's action.

"We believe that instead of administering justice and applying the law, the court is attempting to punish Wagner for exposing the court's gender bias and misconduct to a Congressional committee," said Sonny Burmeister, president of GCCR.

Evaluation of Federal Access Grants Underway

A review is underway of the four federal access demonstration projects awarded in 1991 to Ada County, Idaho; Maricopa County, Arizona; an eight county region in Iowa; and Middlesex County, Massachusetts.

Although three federal access grants awarded in 1990 all explore mediation as a way of resolving access problems, the four 1991 grants go beyond mediation to explore alternative methods of resolving visitation disputes.

The alternative methods include such approaches as skills classes, telephone monitoring to check on whether visitation is occurring and is problem free, educational workshops, a hotline if future child access problems emerge, and consultation services. Not all services are offered at all of the four sites.

The three federal access grants previously awarded in 1990 went to sites in Florida, Idaho and Indiana.

The fact that both mediation and other types of services will be explored in the various grant sites is expected to provide the evaluators with a range of assessments to evaluate how best to help resolve access (visitation) disputes.

The grants, authorized by Congress in the 1988 Family Support Act, are under the over-all supervision of the U.S. Department of Health and Human Services. The seven grants and evaluation cost a total \$3.4 million.

The primary evaluator for the federal grants is Robert G. Williams, President, Policy Studies, Inc., Denver Colorado. Working under him are Nancy Thoennes and Jessica

Pearson of the Center for Policy Research, Denver, Colorado.

Pearson and Thoennes issued a report on the "Second Wave" (the latter four grants) in June, 1992.

Copies of the Report, which contain details on how each of the four jurisdictions is handling access (visitation) problems, are available at \$15.00 each from the Center for Policy Research, 1720 Emerson Street, Denver, Colorado 80218, phone (303) 837-1555. Ask for the "Analysis Plan and Literature Review for the Child Access Demonstration Projects (Second Wave)."

One of the grant winners, Dick Woods, who is administering the \$300,000 grant won by the state of Iowa, is working to provide services that will outlast the life of the grant. Woods is seeking to establish:

- * a "National Access (Visitation) Certification Board", which would provide accreditation to persons qualified to offer visitation counseling;

- * an "access (visitation) mediation course" at Drake University in Des Moines, which would teach access counselling as a college course. The course at Drake could serve as a model for other schools and universities around the country to also offer access counselling as a college credit;

- * a self-supporting "neutral drop-off and pickup center" for children at a child care center in Des Moines.

Pearson spoke at the 1992 CRC conference; Thoennes and Williams will speak at the 1993 CRC conference (see details elsewhere in this newsletter).

Study Finds Connection Between Support and Visitation

The "complex interconnection between child support and visitation problems, especially in usual, maternal custody situations" has been confirmed by a report issued by Jessica Pearson, director for the Center for Policy Research, Denver, Colorado.

The report was based on interviews with 700 couples and a study of five visitation programs (Wayne County, Michigan; Maricopa County, Arizona; Lee County, Florida; Wyandotte County, Kansas; and Los Angeles, California).

The report concluded such things as:

- * "the dramatically different complaints residential and nonresidential parents make about visitation";

- * "unspecified visitation orders should be avoided";

- * "quality enforcement programs and ancillary services (are needed) to deal with the many safety concerns of residential parents"; and

- * "modest improvement in child support payment patterns" (were reported), along with "a significant drop in access relitigation in Kansas, but no change in child support relitigation."

The five sites that were studied offer different types of visitation programs, including expedited complaint procedures, supervised visitation, warning letters, telephone monitoring of visitation, mediation, and group education.

The 700 couples who were studied used these programs in 1989 and 1990.

The 193 page report, which includes a copy of all data collection instruments, is available from the Center for Policy Research, 1720 Emerson Street, Denver, CO 80218 for \$15.00 a copy.

The study was based on a grant from the State Justice Institute, Alexandria, Virginia.

Court Cases

U.S. Supreme Court

Grandparent Visitation of Child in Intact Home Upheld

The U.S. Supreme Court has let stand a decision of the Kentucky Supreme Court which allowed the grandparents of a child in an intact marriage to have visitation over the objections of the married parents.

The high court's one-line denial of review of the case, follows a complicated course of the case through the Kentucky state courts.

A trial court originally found constitutional a statute which allowed such visitation, noting that "similar statutes in other states have been universally upheld as constitutional." The court then granted the paternal grandfather visitation Wednesdays and Saturdays from 4:00 p.m. to 6:00 p.m.

The Kentucky Court of Appeals reversed the decision of the trial court, but the Kentucky Supreme Court reversed the decision of the Appeals Court. In so doing, the Kentucky high court explicitly affirmed the constitutionality of the statute (KRS 405.021).

The parents, Stewart and Anne, once lived with their child, Jessica, on a farm owned by the grandfather, W. R. King. Stewart was employed on the farm. Father and son disagreed over whether the son was working enough hours, and the grandfather eventually told them to leave the farm. They did so, but later refused the grandfather's request for visitation with his granddaughter. The grandfather filed suit.

Stewart and Anne urged the court to recognize "the long-recognized liberty of parents in the area of raising children" as grounds for honoring their wish not to have grandparent visitation with Jessica, aged 5. They said grandparents can generally contribute "positive support" to children and grandchildren, but in this case, the grandfather was domineering, and Jessica, aged 5, was upset over the prospect of being forced to visit him.

The grandfather, noting a loving relationship between him and Jessica,

and the lack of any accusation of any improper care of his granddaughter on his part, said that he was only seeking visitation, not custody.

He said he follows the child's normal medical, dietary, and rest regime established by the parents, and that "the best interest of the child" required allowing a continuation of the grandfather-granddaughter relationship. This relationship, he said, "promotes continuation of a relationship regarded as socially vital and worthy of promotion rather than destruction, at least for petty reasons."

(The brief filed by the grandfather's attorney noted that although all 50 states have grandparents' visitation statutes, the vast majority of them require either the divorce or death of a parent before a court can grant visitation. Only Connecticut, Delaware, Kentucky, Montana, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Washington, and Wisconsin, were listed as permitting a court to order visitation when the family is intact).

The citation for the above Kentucky case, denied review by the U.S. Supreme Court on October 19, 1992, is 828 S.W. 2d 630. On November 2, 1992, the U.S. Supreme Court denied review of a similar case from Wisconsin, T.F. and D.L. vs. H.F. and F.F., 168 Wisconsin 2d 62.

State Courts

Child Support - Multiple Families

The North Dakota Supreme Court addressed the calculation of child support in a case where the non-custodial parent was supporting children from two families. The court found that a trial court incorrectly calculated the non-custodial parent's support obligation for his three children from his second marriage. The trial court had determined the amount under a state guideline that the non-custodial parent should pay for four children, and then awarded each child one-fourth of that amount. North Dakota's guideline does not contain a method for

accommodating a multi-family situation where the non-custodial parent's children live in different households, the Supreme Court said. However, the state's guideline, unlike those of other states, does not bar a reduction of support because of children in a second, subsequent family, the Supreme Court noted. The Supreme Court said the trial court had ignored the fact that the more children in a household, the lower the cost of each child. The trial court should use the guideline as a starting point, and then determine the proper support amount. This amount should balance the children's needs with the father's ability to pay, according to the Supreme Court.

Bergman v. Bergman, ND SupCT, No. 910415, 6/25/92

Refusal to Visit

A 17-year old girl's refusal to visit her non-custodial father did not justify a trial court's finding that she was emancipated, and its resulting termination of the father's support obligation, the Indiana Court of Appeals, Fifth District, has ruled. The father's support obligation would otherwise have continued until the girl reached 21. In reaching its decision, the Appeals Court said there was no indication that the custodial parent had interfered with the non-custodial parent's visitation rights. Even evidence that the daughter is employed and living independently of her mother does not necessarily warrant a finding of emancipation, the Appeals Court said.

In re Brown; Ind CtApp 5th Dist. No. 52A05-9201-CV-18, 8/20/92.

Statute of Limitations

The six-year statute of limitations for civil actions does not preclude a claim for support arrearages which exceeds that limit, the Maine Supreme Judicial Court has ruled. The claim for arrearages that occurred over the eleven year period prior to the filing of

Continued on page 12

SPEAK OUT FOR CHILDREN Fall 1992 11

the claim was for \$17,000. Despite the delay in seeking enforcement of the child support obligation, the non-custodial parent was liable for the entire arrearage, the Supreme Judicial Court decided. The court ruled that unpaid child support obligations are the equivalent of judgements, which are exempted from the statute of limitations. Similar rulings had been made by courts in other states, the Maine court said.

Carter (Shih) v. Carter; Maine SupJudCt, No. 6276, 7/24/92.

Privacy Regarding a Congressman's Divorce

A trial court wrongly denied a newspaper's request to inspect the records of a member of Congress's 1979 and 1983 divorces, without a proper balancing of the public's right to access against the privacy interests of the parties, the New Hampshire Supreme Court decided. A blanket assertion of privacy rights by the parties to the divorce actions was not sufficient to prevent disclosure, the Supreme Court said. The parties seeking to prevent access must demonstrate compelling interests that outweighed the public's right to access, the Supreme Court

said, and told the lower court to determine whether this demonstration had been made.

Petition of Keene Sentinel; NH SupCt, No. 91-055, 8/27/92.

Imputed Income for Second Job

The Virginia Court of Appeals ruled that a non-custodial parent may have income imputed from a second job for purposes of computing child support. The non-custodial parent in this case is a school teacher and a second job would be particularly relevant during the summer. The Appeals Court said that the lower court was wrong to exclude imputed income in calculating child support. The Appeals Court added that as a general rule a court should not impute to a person income from more than one job. However, if there is a history of a spouse working more than one job, then income from all jobs should be considered for purposes of calculating child support.

Cochrane v. Cochrane; VA CtApp, No. 1569-91-1, 7/7/92.

The above decisions are summarized from Family Law Reporter, and appear here by permission of the publisher, The Bureau of National Affairs, Inc.

Volunteers Needed

Are you interested in office work, public relations, fund-raising, membership development, tax issues affecting the family, advocacy, research or writing? Or would you like to form an CRC chapter in your state, city or county? If so, please write to CRC. We will send you information. Thank you,

Legal Help

If your case is on appeal, and involves a broad legal principle (such as joint custody/shared parenting, parental kidnapping, or the fairness of some domestic relations law or procedure), CRC may be able to file an amicus curiae (Friend of the Court) brief, as we have done in other state appeal court cases.

If we win the case, as we have won cases in New Jersey, Wisconsin, Ohio, and elsewhere, the case can serve as precedent for other cases heard in that state, and elsewhere in the country.

We can only consider cases on appeal. We have been asked on a number of occasions to enter cases at the trial level (which are not yet on appeal), but we regret we do not yet have the resources to do this.

Do you need legal help in a case? Is the case (or will it be) on appeal? Does the case have broad applicability? If the answer to three questions is yes, contact CRC.

To increase your chances of winning on appeal, make certain that all constitutional arguments are raised in the lower court.

Legal arguments appear in CRC Report No. LJ02A ("Joint Custody as a Child's Constitutional Right").

If a mental health professional or other expert has made a finding or statement that is helpful, let us know.

An amicus curiae brief is not the main brief in the case filed by you or your attorney; it is an extra brief filed by CRC to draw the court's attention to the importance of this case, and its effect on children's rights.

Attorneys for CRC are interested in handling these cases on a reasonable fee basis. As mentioned above, we can only consider cases which are on appeal.

Children Deserve Access to Both Their Parents



Tracy Wright Cox

This article appeared in The Messenger-Inquirer, an Owensboro, Kentucky daily newspaper September 20, 1992. Reprinted with permission of the author, Tracy Wright Cox, who is coordinator of the Children's Rights Council of Kentucky.

By Tracy Wright Cox

Woody Allen and Mia Farrow. Dan Quayle and Murphy Brown. What do these "couples" have in common besides image problems? They are battling the "Unmarried with Children" dilemma that plagues our country.

The Messenger-Inquirer has editorially addressed some of the real prob-

lems of the family values debate. One point well-made was that seven out of 10 juvenile offenders come from single-parent settings.

In Kentucky, 98 percent of the custodial parents are women. Now, before the National Organization for Women sends me a nasty letter, this is not a male-female debate about who would be the better parent. This is a children's rights issue. Raising children is the most important and most difficult job in the world. Children need and deserve a balance. Children need and deserve both parents.

The Deviss County court system must develop a mediation system to

See Commentary page 14

BIG BOYS DO CRY!

By Lisa Peddar,
Georgia Council for Children's Rights (GCCR)
Board of Directors

Reprinted with permission from "Voices for Children", August 1992, a publication of GCCR

I awoke slowly this morning, sensing even before I was fully awake, that something was strangely different about this morning. I opened my eyes sleepily. Everything appeared as usual. The ceiling fan whirled overhead. I heard my husband breathing softly next to me and saw the dog sacked out, snoring at the end of the bed. It was the stillness, the unusual quiet in the house that seemed different. I saw on the edge of the bed for a few minutes as if I was waiting for something or someone but there was nothing. I listed and waited!

Then, sadly I realized, there would be no sounds of children's voices this morning, no one jumping on our bed for our morning wake-up tickle, no one to follow me around as I got dressed for work, asking which shoes and earrings I was going to wear, no aroma of strawberry Pop-Tarts filling the kitchen. No, this morning was painfully empty—my husband's children had returned to their mother. This year's summer visitation with us had ended the day before.

I went downstairs and entered the dark kitchen. I turned on the light hoping to see the milk on the counter, an open box of Captain Crunch, hear cartoons blaring in the other room and see the two kids and dog sprawled out on the floor watching TV—, but the rooms were empty. My eyes filled with tears. As I sat down at the kitchen table with a cup of coffee and the last strawberry Pop-Tart, my mind wandered back over the past two weeks. Deep in thought, I stared blankly outside through the french doors. I noticed with a smile, as my mind drifted, that the glass in the door was still covered with the kids' sticky finger prints.



John Peddar, with children Jeffrey and Sarah

It was just two weeks ago they arrived. My husband could not contain his excitement over the children's visit. While he talked to them at least twice every week by phone, it had been almost a year since he has seen them and been able to hug them.

He hadn't been able to sleep the night before their arrival. He couldn't wait any longer at home and headed for the airport two hours before their plane was due to land. He said he "wanted to make sure he got there in time" but I knew otherwise. By the time he arrived home with them, any initial awkwardness they might have felt due to the long-distance separation, was gone. They bounded in the house as if they had never left, putting their belongings in "their" rooms, anxiously ready to catch up on all they had missed in the last year.

It is an adjustment for them at first, getting use to their "other" home with our different set of rules and habits. In our house, they must make their beds, they each have certain assigned chores and our pay scale for weekly allowances is less than at their mother's.

Different Houses, Different Styles

We eat different food at our house. While we have ice tea and biscuits, at their house up North, they drink soda pop and have dinner rolls. We have a lovable, loud, sometimes half-crazy dog that roams our house, taking morning and afternoon naps on our best sofas and chairs. At their other home, they have a calm, quiet cat that stays outside. There are many differences in the two households yet the kids felt quickly into step with the flow and feel of our home once again.

As I thought back over the events of those short two weeks, was I remembered most were things like the expression on my stepson's face when he finally learned how to dive after many days practicing with his dad and quite a few bellyflops!

I can still see my husband and our kids all curled up together in the same chair watching the Olympics, giving their own ratings to the different divers and gymnasts. I remember how proud I was of my husband when he had the children write out birthday cards for their mother and then had them call her on her birthday which occurred while they were visiting us. While the phone doesn't ring at our house on Father's Day or his birthday, my husband chose not to indulge in the same behavior: "It's not their fault" he reminded me again—as he so often does.

We tried to make each day of their visit count, always trying to moderate fun with the right amount of discipline and steering clear of the "Disneyland Dad" temptation. "Next year"...we said when they asked if we could "please, please, please go to Disney World." We promised, if, in the coming year, they researched Walt Disney World and found out how many miles it is from our house, how many rides there are, how many people visit each year from different countries...and if they each saved one dollar a month from their weekly allowances for spending money at Disney World, we could go... next summer.

See *Big Boys* page 14

SPEAK OUT FOR CHILDREN Fall 1992 13

Big Boys

Continued from page 11

The day the children were leaving to go back, our dog, upon seeing the children's suitcases in the kitchen, began barking, as if to say, "No, my buddies can't go home! Whom will I play with???"

My husband tried to keep us all laughing so no one would think about the painful good-byes ahead. After one last check under the bed for stray socks and one final trip to the bathroom, we got the children into the car. I said my good-byes, hugging and kissing both of them, biting my lip the whole time to keep from crying. With my good-byes

said, they were off with their Dad to the airport for the trip back to Boston.

About 2:00 that afternoon, I was sitting at work wondering if the kids' flight had indeed taken off at 1:24 p.m. as scheduled. They phone rang. I answered it and heard soft sobbing on the other end.

"Hello, sweetie" my husband said... "their plane just left"... (more sobs)... "I'm not doing too good," he said. "I think I'll just sit here in the airport for a little while" There were more sobs followed by more sniffles and my husband's obvious attempts at regaining his composure in the middle of the crowded Atlanta airport.

I told him that I loved him and would see him at home soon where I

was going to give him a big bear hug. He said he "could use a hug about now." There was more silence, then the sounds of stronger, more intense sobs. "Sweetie", he said, sobbing so hard he could barely speak, "I... MISS... them... so much!"

I reached over and gently closed my office door as I broke down and began sobbing as I hung up the phone.

Over the next couple of days and weeks, the pain we are now feeling will become less intense. In a month, we'll be back to normal...until the next visit and we have to say good-bye again.

...Whoever said "big boys (and girls) don't cry," never saw a non-custodial parent having to tell his/her children good-bye.

Commentary

Continued from page 12

help unmarried and divorcing parents resolve anger so they can learn to focus on the needs of their children. A divorce should not be granted unless a mediator guides the parents to agree on what is best for the children.

There is a misconception that most fathers are deadbeats who abandon their children and don't pay support. The Children's Rights Council of Kentucky has hundreds of fathers and mothers who are desperately fighting for the right to be a part of their children's lives.

Unfortunately, our system focuses only on the financial needs of our children. Emotional support doesn't fit into a computer spreadsheet program.

Our legislators need to design laws that help ensure children will have access to their parents and extended families. Custodial parents have all the control over the children. They decide where the children attend school and if they attend church. They can elect to move out of state without permission of the non-custodial parent. They incur no penalties for denying visitation. And they do not need to be accountable for child support payments. The non-custodial parent faces jail if unable to pay support and is often forced out of the child's life entirely.

The system is failing our children. Judges and attorneys need to work toward joint custody, instead of pitting one parent against the other in a legal tug-of-war. Joint custody (shared parenting) helps eliminate parental kidnappings. A child wouldn't be forced to divorce a parent. The children would have both parents.

Too often, legislators do not act on anything that may be viewed as controversial because they fear losing votes. They need to develop a Bill of Rights for Kentucky's children that addresses *all* forms of abuse. Judges are used to handling divorce cases by granting women custody automatically and giving fathers a mere 85 days a year standard visitation. Judges, attorneys and legislators often lack the education, compassion and courage needed to make changes in a system that is hurting the family. The statistics prove this.

In the three years since I formed The Children's Rights Council of Kentucky, I have received hundreds of calls. Fathers, mothers, grandparents and stepparents have shared their stories and their pain. When I appeared on WHAS radio's "Metz Here" this past summer, the phone lines stayed lit throughout the three-hour show with callers from across the eastern half of the United States who wanted to tell their stories about being denied visitation with their children. All the experiences I've heard are horrible, but one stands out.

An Owensboro father raised his two infant children for a year. The mother had left with another man. She returned a year later; the children didn't know her. The mother filed for custody and won. The children now live 3,000 miles away. The father was given only a post office box to which he was to mail child support. He has no contact with the children even though a Kentucky court had granted him standard visitation. When he does talk to his children, they are not allowed to call him "dad" and they must call their new stepfather "dad." The father cannot afford to visit his children, much less litigate from 3,000 miles away. Even if he went back to court, there is no law protecting a child's right to have two parents.

The Hyde Bill now pending in Congress would make child support laws tougher without addressing the issue of a custodial parent denying a child access to a non-custodial parent. Bill Clinton said he would support tougher child support laws. I urge you to write our legislators and ask that a child access amendment be attached to this bill.

It's too bad Dan Quayle chose the sitcom character Murphy Brown as an example of the breakdown in family values. The Children's Rights Council could have shown him thousands of real people — non-custodial mothers and fathers in real pain — whose children have been forced out of their lives.

Thank You, Contributors!

We wish to thank those who have joined, renewed their membership, contributed to CRC, or ordered materials from CRC from July through September, 1992. * Denotes life member of CRC (financial and/or service contributions totaling \$500 or more).

Jed Abraham
Dennis Allen
Jay Baitz
Joel Bankes
Dorie Barnett
Robert Barone
Michael Basilotto
Steven Bauman
Louis Behr
Arthur Blair
Leman Booker
Ken Bourke
Laura Boyd
Richard Brandt
Robert Brown
J. Robert Burk
Thomas Carrin
Richard Chancellor
Lawrence Cheskin
Paul Clements
* Stuart Cochran
Robert Collins
Barry Craig
Judith Crittenden
Wiley Dobbs
George Doppler
Joseph Doran
Peter Farris
Vincent Finocchio
Adam Fivenson
Edward Gambill
Robert Gidding
Joanne Gilden
Robert Goldstein
Robert Green
Jay Greenley
Wilhelm Hall
Lewis Hamner
Michael Hanna
A. Margie Harper
Ronald Heilmann
Arthur Hemmerlein
Lloyd Hilgart
Stan Hirsch
Robert Hopkins
Will am Hueter
Maureen Hurney
Ed Hurt
Charles Jamieson
Robert Katz
Loren Kirkeide
Kirk Kitchin
Jim Klopman
Kathy Klopman
Walter Kuckes
Stephen Kuketz
Steven Lavender
Marcia Lebowitz
Jackie Lee

Joseph Lehman
David Levick
Kurt Liberatore
Ralph Logan
Donald MacMaster
Andy Martin
Hugh McIsaac
David Mendenall
Joseph Milling
Kenneth Morgan
Charles Norwood
Richard O'Neil
Cami Ostern
Rose Palmer-Phelps
Peter Petersen
Rusty Peverell
Emanuel Plesent
Vella Potash
Craig Raddatz
Barry Ringelheim
Patricia Rivero
Jack Robinson
Arthur Rosen
Janice Rosen
Ram and Jane Salas
Gregg Schaaf
Stanely Schiffman
Lita Schwartz
Penny Scott
Arnold Shienvold
* John Siegmund
Kenneth Skilling
Don Slagle
Albert Smith
Vance Smith
Selvin Snead
Peter Sokaris
Debbie Stabenow
Lawrence Stein
Henry Stevenson
Michael Stinson
William Strange
R. Kirk Suttell
Lesley Terdik
David Terrazino
Tony Testa
Rudy Thomas
David Tolerton
Donnie Underwood
J. Craig Vaughn
Rick Velotta
Aletta Waterhouse
Donald Webb
Kurt Wharton
Clair Wiederholt
Ronald Witmer
Paul Wright
Sharon Yates

Chapter News

CRC Romance

Michael Ewing is the president of the Children's Rights Council of Tidewater, Virginia. He met Cindy Lewis, president of Parents and Children's Equality (PACE), a CRC affiliate in Indiana, at the CRC conference in Washington, D.C. in March, 1992.

Cindy and Michael saw each other frequently after that, and in June, Michael took Cindy to Kitty Hawk, North Carolina, the airfield where the Wright Brothers took off on their famous first flight.

Michael arranged for a plane to fly overhead towing a banner that said "Cindy, will you marry me? Michael."

In August, when Michael was visiting Cindy in Indiana, she was hosting a meeting of the Indiana Council for Children's Rights, the parent group for PACE and other child advocacy groups in Indiana. Suddenly, overheard, a plane flew by, towing a banner that said, "Michael, yes, I will marry you, Cindy."

The marriage will take place in late 1992 or early 1993. Michael has a 7-year old daughter, Ashley. Cindy plans to move to southern Virginia—a loss to CRC in Indiana, a gain for CRC in Dixie.



Michael Ewing and Cindy

Virginia

"48 Hours" to Focus on Visitation Problems

"48 Hours", the popular national CBS Television Show, received such positive response to a 15 minute segment in 1991 on the problems fathers have obtaining visitation, they have decided to devote an entire hour long show to access/visitation problems.

The segment in 1991 featured Sonny Burmeister and his organization of non-custodial parents in Georgia. This year, "48 Hours" searched throughout the country for a group that would show such things as: a door being slammed in the face of a non-custodial parent who came to pick up his child, and non-custodial parents who would be willing to appear on TV and show real emotions, not just a discussion of issues.

"48 Hours" found the right group, said Linda Martin, a producer for the show, in the Children's Rights Council of Tidewater, Virginia. The group is affiliated with CRC.

A "48 Hours" crew, including noted CBS commentator Bernard Goldberg, spent several days in Tidewater (in southeastern Virginia) in September. The show is expected to air either January 6 or 13, 1993.

Bills and Resolutions in Congress

When the 102nd Congress adjourned in October, 1992, any bills or Resolutions that had not passed "died." That is, such measures can not be considered for passage unless they are re-introduced when the new, 103rd Congress convenes in January, 1993. If you are concerned about any particular measure, you may want to do research and networking, now, and help with the efforts of CRC and others in Washington.

Below, we report on the Resolutions and bills that we have been tracking in previous issues of this newsletter. (see our page one story for the Hyde/Shelby bill).

A bill, unlike a resolution, requires a state or persons to do something; a resolution expresses the wishes of Congress, but does not require action. H. or H.R. refers to the House of Representatives; S. refers to the Senate.

The following died in Congress.

H.R. 4983. This bill would have provided funding for Title XX of The Adolescent and Family Life Act to encourage delays in family planning for teenagers. Funds would have been provided to promote abstinence from sex for teenagers through education programs. For those teens who are already parents, parenting classes would be held for both mothers and fathers. CRC favors this bill. Sponsor Rick Santorum (D-PA) is expected to re-introduce this bill in 1993.

S. 1411. Middle Income Tax Relief and Family Preservation Act of 1991. CRC took a position regarding Title 3 of the Act, which would create a National Commission on Family Strengths. Introduced by Sen. Christopher Dodd (D-CT), this Commission would have been required to examine both the noneconomic and economic impact of divorce on children and families, on order to enhance family stability (see related commission established by Congress as part of the Hyde/Shelby bill, page 1 of this newsletter).

S. 2514. This bill would have amended the IRS code of 1986 to allow taxpayers a bad debt deduction for

certain partially unpaid child support payments and to require that this unpaid portion be considered additional income by the non-payor. This unpaid portion would then be subject to a surtax against the non-payor by IRS. Introduced by Sen. Dale Bumpers (D-AR). Laurie Casey, a member of Vermonters for Strong Families and CRC, is seeking balance in this and other tax legislation. Laurie may be contacted at P.O. Box 812, Moriah Center, NY 12961, phone 518-942-3366.

H.Con. Res. 89. Introduced by Rep. Connie Morella (R-MD), this Resolution would have expressed the wish of Congress that expert testimony concerning the nature and effect of domestic violence, including descriptions of the experiences of battered women, be admissible when offered in a state court by a defendant in a criminal case.

H.R. 2055. This would have provided penalties for international parental kidnapping of children. Introduced by Rep. George Gekas (R-PA) and passed as an amendment to the House Crime Bill. A similar bill in the Senate, S. 1263, was introduced by Sen. Alan Dixon (D-IL). Both provisions were part of the comprehensive Crime Bill, which died when Congress and President Bush were unable to agree on what kind of crime bill to pass.

H.R. 579. Would have made it a crime for a parent to kidnap a child from one state to another in violation of a valid custody order. CRC urged Rep. Major Owens (D-NY), the sponsor, to also provide penalties for kidnapping by a custodial parent in violation of access/visitation orders.

H.R. 3151. Would have required employers who withhold wages from absent parent owing child support payments to pay their amounts withheld to appropriate agencies within ten days after payment of such wages. Sponsor: Rep. Olympia Snow (R-ME).

S. 4. Aim was to strengthen families and avoid placement in foster care, by providing intensive family services,



Sen. Moynihan

family reunification services, and follow-up services designed to strengthen families. Sponsor: Sen. Daniel Patrick Moynihan (D-NY).

A similar House bill, H.R. 3603, introduced by Rep. Thomas Downey (D-NY), was passed by the House on August 6, 1992, but died in the Senate Finance Committee. H.R. 3603, which dealt with family preservation, foster care, child welfare and adoption services, would have encouraged kinship care over foster care, and would have tried to improve data collection on children's needs. (Rep. Downey was defeated for re-election in November).

S. 701. Would have increased the personal exemption for dependent children under age 18 to \$3,500. Introduced by Sen. Coats (R-IN). A similar bill, H.R. 1277, was sponsored in the House by Rep. Frank Wolf (R-VA). CRC has advocated an amendment to such legislation so that in cases of divorce, the personal exemption for a dependent child be split 50/50 between the parents, unless a judge rules to the contrary.

H.R. 5316. Would have amended Title IV of the Social Security Act to increase state responsibility in helping troubled families, children's welfare, and foster care. Sponsor: Rep. Nancy Johnson (D-CT). Similar to H.R. 3603 (see above).

S. 15. The Safe Streets and Homes for Women bill, introduced by Sen. Joe Biden (D-DE). Sen. Biden has already pledged to re-introduce this measure in the next Congress in January, 1993.

The following was passed by Congress, vetoed by President Bush; veto upheld by Congress.

S. 5, the family and medical leave act, to provide for protection of job for leave for birth of a child or illness of a child or illness in the family.

CRC Chapters

E.D. Wilson is the new coordinator of the CRC chapter in Alabama. The assistant coordinator is Barbara McMullen. E.D. is retired from the U.S. Marine Corps. Barbara came to Washington during the summer of 1992 to speak to members of Congress about the need for balance in the Hyde/Shelby bill (see front page story on the bill).

CRC seeks to form chapters throughout the country, in order to assist the citizens of each state with that state's unique laws. Custody reform is primarily handled on the state level, although Congress is entering the field more and more. Problems cross state lines. What happens in one

state or in Congress affects all of us. We must have a strong national organization, with strong state organizations, to have greater effect on public policy.

If you are part of a national network, you will generally get a better reception than a group that is limited to one state or community.

Coordinators of our state chapters maintain contact by mail exchange and cross-country telephone conference calls between the chapters and CRC national. In this way, chapters can benefit from each other and do not have to constantly "re-invent the wheel".

Chapters exist in 21 states and one foreign country.

If you live in a state where there is a CRC chapter, we urge you to join the

chapter. In this way, you will be networking work with a chapter and national CRC to reform custody law and attitudes around the country. By becoming a member of the chapter, you also become a member of national CRC.

If you would like to learn if a chapter is forming in your state, or if you would like to form a chapter in your own state or community, write to CRC for our Affiliation Booklet.

This 37-page booklet explains everything you want to know about affiliation.

After reviewing the booklet, write to Eric Anderson of Texas, CRC chapter coordinator, for further information. Eric's address is listed below.

Note: CRC's name is protected by federal trademark law.

National Affiliate Organization

Mothers Without Custody (MW/OC)
P.O. Box 27418
Houston, TX 77227-7418
phone (713) 840-1626
Jennifer Isham, president

CRC Chapters

CRC of Alabama
P.O. Box 750
Montrose, AL 36559
(205) 928-0464
E.D. Wilson, coordinator

Alaska
Alaska Dads and Moms
2225 Arctic Boulevard, Ste 303
Anchorage, Alaska 99503
(907) 274-7358
Gary Maxwell, state coordinator

Alaska Family Support Group
P.O. Box 111691
Anchorage, AK 99511-1691
(907) 344-7707
Jim Arnesen, president

Second Wives and Children
P.O. Box 875731
Wasilla, AK 99687-5731
(907) 376-1445
Tracy Driskill, president

California
Children's Rights Council of California
P.O. Box 3195
Redwood City, CA 94064-3195
(415) 365-4727
Valerie Oszu, coordinator

Delaware
Children's Rights Council of Delaware
P.O. Box 182
Bethel, DE 19931
(302) 875-4935
James Morning, president

Florida
Florida CRC chapter
113 W. Tara Lakes Drive
Boynton Beach, Florida 33436
(407) 369-5512
Piotr Blass, coordinator

Georgia
Georgia Council for Children's Rights
P.O. Box 70486
Marietta, GA 30007-0486
(404) 591-7772
Sonny Burmeister, coordinator

Illinois
Children's Rights Council of Illinois
P.O. Box 786
Pekin, IL 61555-0786
(309) 697-3235
Ann Danner, coordinator

Indiana
Indiana Council for Children's Rights
2625 N. Meridian, Ste 202
Indianapolis, IN 46208
(317) 925-5433
David Dinn, coordinator

Iowa
Fathers for Equal Rights, Inc.
3623 Douglas Avenue
Des Moines, IA 50310
(515) 277-8789
Dick Woods, coordinator

Professionals Serving Custodial and Non-Custodial Parents
(515) 264-9511
Eric Borseth, J.D.

Kansas
Children's Rights Council of Kansas
5516 Mission Road
Fairway, KS 66205-2721
(913) 831-0190
Roger Doeren, coordinator

Kentucky
Children's Rights Council of Kentucky
Pumpkill Ridge Farm
Pellville, KY 42364
(502) 233-4614
Tracy Cox, coordinator

Maryland
Children's Rights Council of Maryland
417 Pershing Drive
Silver Spring, MD 20910
(301) 588-0262
Harvey Walden, coordinator

Massachusetts
Concerned Fathers of Massachusetts, Inc.
P.O. Box 2768
Springfield, MA 01101-2768
(413) 736-7432
George Kelly, coordinator

Carla Goodwin, Divorce Mediation
820 Washington Street
South Easton, MA 02375
(508) 238-3722

Michigan
Children's Rights Council of Michigan
P.O. Box 416
Lawton, MI 49065-0416
(616) 247-5868
Heather Rowilson, coordinator

New Jersey
New Jersey Council for Children's Rights (NJCCR)
P.O. Box 615
Wayne, NJ 07470-0615
(201) 694-9323
Erich Sturn, president

New York
Children's Rights Council of New York
35 Front Street
Binghamton, NY 13905
(607) 785-9338
Kim Boedecker-Frey

Ohio
Coalition of Parental Rights Associations (CAPRA)
227 S. Roanoke Avenue
Youngstown, OH 44120
(216) 799-9787

Andy Cvercko, president

Pennsylvania
P.E.A.C.E. (Parents Equality and Children's Equality)
20 1/2 S. Bradford St.
Allentown, PA 18103
(215) 435-3008
Gary Onuschak, coordinator

Texas
Texas Children's Rights Coalition (TCRC)
P.O. Box 12961
Capitol Station
Austin, Texas 78711
(512) 836-6621
Eric Anderson, coordinator and nationwide chapter coordinator

Vermont
Vermonters for Strong Families
RR 1, Box 284A
E. Montpelier, VT 05651
(802) 436-3089
Fred Tubbs, coordinator

Virginia
Fathers United for Equal Right's and Women's Coalition
P.O. Box 1323
Arlington, VA 22210-1323
(703) 451-8580
Paul Robinson, president

Children's Rights Council of Tidewater
3029 Yakima Road
Chesapeake, VA 23325
(804) 543-5993
Michael Ewing, president

Family Resolution Council
8935 Patterson Avenue
Richmond, VA 23229
(804) 740-3555
Murray Steinberg, president

Canada
Canadian chapter of the CRC
264 King Street
Peterborough, Ontario, Canada K9J-2S2
Richard C. MacCourt, coordinator

The Children's Rights Council
Thanks the following Corporations for their
Support of Children's Rights and CRC



PRATT & LAMBERT

BOX TWENTY-TWO

BUFFALO, N.Y. 14240-0022

LANIER



MORRISON KNUDSEN CORPORATION

MORRISON KNUDSEN PLAZA
 P.O. BOX 74 BOISE, IDAHO U.S.A. 83709

1992 Conference Donors

The Pawnshop Restaurant
 1911 N Ft Myer Dr
 Arlington VA 22209

Orleans House Restaurant
 1213 Wilson Blvd
 Arlington VA 22209

Rosslyn Westpark Hotel
 1900 N Ft Myer Dr
 Arlington VA 22209

Bullfeathers
 410 First St SE
 Washington DC 20003

Red Hot & Blue
 1600 Wilson Blvd #1030
 Arlington VA 22201

Eagle Wine & Cheese Shop
 3345 M St NW
 Washington DC 20007

Gold Line/Grey Line
 of Washington DC
 5500 Tuxedo Rd
 Tuxedo MD 20781

The Little Cafe
 2039 Wilson Blvd
 Arlington VA 22201

Tivoli Restaurant
 1700 N Moore St
 Arlington VA 22209

Potomac Party Cruises, Inc
 (The Dandy)
 Zero Prince St
 Alexandria VA 22314

Alouette Restaurant
 2045 Wilson Blvd
 Arlington, VA 22201

Summers Restaurant
 N Court House Rd
 Arlington VA 22201

Shirmer's Casual Furniture
 2916 Annandale Rd
 Falls Church VA

Candlewyck of Alexandria

320 King St Gadsby Arcade
 Alexandria VA 22314

Why Not?
 200 King St
 Alexandria VA 22314

Lovern-Bender Educational
 Consultants Inc
 1250 Overlook Ridge
 Bishop GA 30621

Elizabeth Einstein MA
 PO Box 6760
 Ithaca NY 14851

Family Advocacy & Support
 Association
 PO Box 74884
 Washington DC 20056-4884

Bruce Gillman
 New Jersey Council for
 Children's Rights
 PO Box 615
 Wayne NY 07470-0615

CORPORATE VIEW

**Divorce Disrupts
 More than
 Alcohol
 or Drugs**

Divorce and other marital problems — not alcohol or drug abuse — are the biggest workplace burdens on productivity, according to a survey of Ohio small businesses conducted by the Ohio Psychological Association (OPA). Additionally, OPA released recommendations to help businesses deal with personal or emotional problems in the workplace.

"The survey shows that small businesses in Ohio realize that personal problems threaten productivity in the workplace," says Dr. Terry Imar from Columbus.

The survey of 55 small business executives reported that 22 executives say that divorce and other marital problems have a "very negative" impact on workplace productivity, whereas only one-third report a loss of productivity because of substance abuse.

OPA made three recommendations for helping small businesses:

- establish an employee assistance program (EAP);
- appoint an in-house "resource person," and
- provide employees with information on where to get assistance for personal or emotional problems.

Adapted from Behavior Today, Vol. 21, No. 8, February 19, 1990.

For further information, contact the Children's Rights Council, Inc., 220 "I" Street NE, Suite 230, Washington, DC 20002-4362.

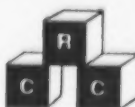
Here are Some SPECIAL ADDITIONS to the

Children's Rights Council

1992

CATALOG OF RESOURCES

for parents
and professionals



The CRC catalog lists more than sixty books, written reports, audio-cassettes, model bills, and gifts for children. Members can receive additional free copies of the catalog by contacting CRC. Non-members can order one for \$1.00. Write: CRC, 220 I Str., NE, Suite 230, Washington, D.C. 20002-4362.

Regular Discount* CRC Members - 10% ea. book
- 20% other items

Send all book orders to: CRC Books, P.O. Box 5568
Friendship Station, Wash., DC 20016.
Add \$2 for 1st book, 50¢ each additional
book for shipping and handling.

* RECEIVE AN ADDITIONAL 5% DISCOUNT ON THE FOLLOWING
1992 CATALOG OF RESOURCES ITEMS:

Some Special Additions and Some Books Currently Listed:



The Parental Alienation Syndrome, by Richard A. Gardner, M.D.
The PAS occurs when one parent denigrates the other parent, and gets the child to join in the denigration. Gardner, a national expert on the PAS, describes the disorder and recommends treatment. 1992 publishing of this material as a separate book for the first time. BKA-803 -- 348 pg. HB \$30.00.

A Hole In My Heart: Adult Children of Divorce Speak Out, by Claire Berman. Enables people to understand they are not alone, and helps spouses and loved ones better understand their mates. BKM-505 -- 280 pg. SB \$8.00.

Surviving The Breakup, by Joan Berlin Kelly, Ph.D. and Judith S. Wallerstein, Ph.D. A longitudinal study of the effects of divorce on children. BKP-210 -- 340 pg. SB \$14.00.

For The Sake Of The Children, by Kris Kline and Stephen Pew, Ph.D. Insights and advice on how parents can cooperate after divorce. BKP-211 -- 220 pg. HB \$17.95.

True And False Allegations Of Child Sexual Abuse, by Richard A. Gardner, M.D. Child sexual abuse cases are burgeoning. Gardner provides analysis, evaluated criteria and recommendations necessary to better differentiate between true and false allegations. His proposals could result in better resolution of cases. BKA-807 - 748 pg. HB \$45.00.



~~~~~

*Divorce Book For Parents*, by Vicki Lansky. BKP-203 -- 254 pg. HB \$18.95.

*The Handbook Of Divorce Mediation*, by Lenard Marlow, J.D. and S. Richard Sauber, Ph.D. BKE-604 -- 506 pg. HB \$65.00.

*The Custody Revolution - The Father Factor And The Motherhood Mystique*, by Richard A. Warshak, Ph.D. BKE-607 - 272 pg. HB \$21.00.

*Fathers Rights - The Sourcebook For Dealing With The Child Support System*, by Jon Conine. BKP-406 -- 220 pg. HB \$17.95.

*Mom's House, Dad's House*, by Isolina Ricci, Ph.D. BKP-202 -- 270 pg. SB \$8.95.

*Long Distance Parenting*, by Miriam Galper Cohen. BKP-213 -- 193 pg. HB \$17.95.

*Parent vs. Parent*, by Stephen P. Herman, M.D. BKP-209 -- 240 pg. HB \$20.95.

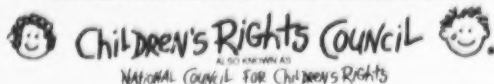
*Don't Blame Me, Daddy*, by Dean Tong. BKA-806 -- 215 pg. HB \$11.95.

*Divorce And The Myth Of Lawyers*, by Lenard Marlow, J.D. BKE-608 - 175 pg. HB \$19.95.

*Children Held Hostage*, by Stanley S. Clawar, Ph.D. and Brynne V. Rivlin, M.S.S. BKE-606 -- 208 pg. SB \$49.95.



A NON-PROFIT, TAX EXEMPT ORGANIZATION STRENGTHENING FAMILIES  
AND ASSISTING CHILDREN OF SEPARATION AND DIVORCE



220 Eye Street NE, Suite 230, Washington, DC 20002-4362

Address Correction Requested

Non Profit Organization  
U.S. Postage  
**PAID**  
Washington, D.C.  
Permit # 881

**Please Reprint This in Your Newsletter or Journal**



**We are proud of your achievements, CRC! Sign me up and send me the benefits listed below. Enclosed is my tax deductible contribution as a:**

New member, \$35      Sustaining member, \$60      Sponsor, \$125  
Life member, \$500      Other \$ \_\_\_\_\_

I can't join now, but here is my tax-deductible contribution of \$ \_\_\_\_\_.

**PLEASE CHECK ALL THAT APPLY.**

MC      VISA      CC# \_\_\_\_\_ Exp. date \_\_\_\_\_

CRC # \_\_\_\_\_ if renewal or change of address, see CRC number on label.

Title \_\_\_\_\_ (Mr., Ms., Dr., Rev., etc.)

Name \_\_\_\_\_ (Must be provided.)

Suffix \_\_\_\_\_ (ACSW, MD, etc.) Nickname \_\_\_\_\_ (Optional.)

Organization (48 Character maximum): \_\_\_\_\_

Delivery Address (48 Character maximum): \_\_\_\_\_

City \_\_\_\_\_ State (2 characters) \_\_\_\_\_

Zip Code \_\_\_\_\_

Country- \_\_\_\_\_ (If other than US.)

Organization phone \_\_\_\_\_ Home phone \_\_\_\_\_

Work phone \_\_\_\_\_ If organization is listed in CRC Directory, organization phone number will be listed.

Home and work phone numbers are for CRC internal use only.

Fax number \_\_\_\_\_ Chapter name, if affiliated with CRC \_\_\_\_\_

As a member, please send me *Speak Out For Children* (CRC's Quarterly Newsletter), Catalog of Resources (in which I receive discounts) and the following at NO ADDITIONAL COST:

- "A Child's Right — 2 Parents," Bumper Sticker.
- FREE! A \$10 VALUE — A 32-page report, Written Preliminary Proceedings from CRC's 1992 Sixth National Conference (submitted prior to conference). Includes 18 different reports including Access Enforcement Programs, Recognizing Child Abuse, Access to Grandparents, How to Demilitarize Divorce.

For membership or renewal of more than \$35, send me a list of free items I'm entitled to (the higher the contributions, the more items that are free). If you are an individual member of CRC, your name may be given on occasion to other children's rights organizations, organizations that support CRC, or individuals seeking a referral for help. If you do not want your name to be given for these purposes, please check here \_\_\_\_\_

**Call (202) 547-6227 to charge your membership to a credit card, or  
send completed form to CRC, 220 "I" Street, NE, Suite 230, Washington, DC 20002-4362.**

Distributed by:

If you live in AL, AK, CA, DE, FL, GA, IN, IA, IL, KS, KY, MA, MI, MD, NJ, NY, OH, PA, TX, VA, VT, we ask that you join the CRC chapter in that state (which includes membership in CRC National). For address of chapter in those states, see elsewhere in this newsletter, or write to CRC for information.

**Bulk copies of this newsletter are available (20 for \$15, 50 for \$30, and 100 for \$59) for distribution to policy-makers, judges, and interested persons in your state. Send order to CRC.**



# Children's Rights Council



ALSO KNOWN AS

NATIONAL COUNCIL FOR CHILDREN'S RIGHTS

220 I Street, NE, Suite 230, Washington, DC 20002-4362.

December, 1992

ACTION ALERT!!!

ACTION ALERT!!!

ACTION ALERT!!!

A continuing effort is being made in California to weaken that state's joint custody law. Because California is a bellwether for the country, we ask you to write to the two leaders of the California legislature named below, urging them to keep intact the California provisions that provide:

- 1) it is the policy of the state that children shall have frequent and continuing contact with both parents;
- 2) in awarding sole custody, the court shall consider, as one of several factors, which parent is most likely to encourage contact of the child with the other parent.

Although no bill has been introduced to change these California provisions, an interim hearing was held November 9, 1992 in Los Angeles by the Senate Select Committee on Women in the Workforce.

Overwhelmingly, testifiers at the hearing:

- \* opposed the concept of frequent and continuing contact, because such contact is supposedly too confusing to the children and exposes them to arguments between the parents;

- \* favored establishment of a rebuttable presumption that the primary caretaker obtain sole custody in California. Primary caretaker favors the primary caretaker of the child prior to divorce;

- \* opposed mediation because it makes women appear as pathological. Testifiers said there should be no mediation if one party objects to it. They opposed the California Conciliation Court which provides mandatory mediation for all divorcing families with children;

- \* asked for assurance that custodial parents could move anywhere at anytime with the children, especially if they wished to move to other states.

James A. Cook of the Joint Custody Association, Los Angeles, was the primary person testifying from the opposite point of view.

Cook stressed that children have two parents to which they are attached, and the primary caretaker approach would start the warfare all over again between the parents.

Cook pointed out that during the past decade, especially in California, single fathers have established themselves as sole custodians. He said California is the leading single father state in the nation, with 1/10 of the U.S. population, but 1/5 of all sole custody fathers nationwide. He said 44% are custodians of daughters, and almost 20% are custodians of infants under 3 years of age.

(over)

ACTION ALERT!!! ACTION ALERT!!! ACTION ALERT!!!

(continued from other side)

Rather than start warfare over whether fathers or mothers should be primary caretakers, Cook urged a joint custody solution.

Cook urges writers from around the country to give their reactions to:

\* Senator Bill Lockyer, chairman, Senate Judiciary Committee, State Capitol, Sacramento, 95814; and

\* Assemblyman Phil Isenberg, Chairman, Assembly Judiciary Committee, State Capitol, Sacramento, CA 95814.

To obtain the three pages of Cook's testimony, send \$10.00 for postage and handling to Jim Cook, Joint Custody Association, 10606 Wilkins Avenue, Los Angeles, CA 90024.

#### Clinton Administration Nominees

The newly-elected Clinton administration will need to fill a large number of federal government positions administering family programs. It is critical that these positions be filled with individuals who understand and support a child's need for two parents. If you know of or would be a candidate for a position, or if you know anyone who is involved in the filling of these positions, please contact the CRC office to assist us in coordinating our input into the transition process.

#### Candidates for Interstate Access Commission

We are pleased that Congress established an Interstate Commission to Study Child Welfare Issues, with an emphasis on access/visitation.

President Clinton, House Speaker Tom Foley (D-WA), Senate President Pro Tem Robert Byrd (D-WV), Senate Minority Robert Dole (R-KS), and House Minority Leader Robert Michel (R-IL), are the officials who will appoint the members of the commission (See Fall, 1992 issue of "Speak Out for Children," for details).

If you know of any candidates for membership on the commission or if you can assist in providing information to those who will select the commission members, please let CRC know.



Children's Rights Council



220 I Street, NE, Suite 230, Washington, DC 20002-4362.

BEST COPY AVAILABLE